



U.S. Department of Justice

Rachael S. Rollins
United States Attorney
District of Massachusetts

Main Reception: (617) 748-3100

John Joseph Moakley United States Courthouse
1 Courthouse Way
Suite 9200
Boston, Massachusetts 02210

February 16, 2022

By Email

Sheriff Thomas Bowler
Berkshire County Sheriff's Office
467 Cheshire Road
Pittsfield, MA, 01201

Re: Resolving the U.S Attorney's Office ADA Compliance Review of the Berkshire
County Sheriff's Office

Dear Sheriff Bowler:

As you know, in February 2021, the United States Attorney's Office for the District of Massachusetts (USAO) opened a compliance review under Title II of the Americans with Disabilities Act (the ADA) of all Massachusetts county sheriffs' offices that had not implemented a program offering all three forms of medications used to treat Opioid Use Disorder (OUD). These medications are buprenorphine, methadone, and naltrexone. This review included the Berkshire County Sheriff's Office (the Sheriff's Office). Specifically, the focus of our compliance review was on whether the Sheriff's Office maintained treatment of these medications used to treat OUD (MOUD) for those individuals in Sheriff's Office custody who were identified as already being prescribed these medications at intake.

When we opened our review, the Sheriff's Office was providing buprenorphine, but had not yet begun providing methadone. At that time, the Sheriff's Office was in the process of obtaining the necessary approvals to provide methadone. Since the opening of our review, the Sheriff's Office has obtained all needed approvals to provide MOUD and is now fully operational in providing all three forms of FDA-approved MOUD.

Therefore, this Letter of Resolution provides notice that we are closing our compliance review of the Sheriff's Office.

The USAO's decision to close its investigation of this matter is conditioned upon a number of factors, including but not limited to the following:

1. The Sheriff's Office does not change or discontinue any particular MOUD for a detainee except upon an individualized determination made by a qualified medical specialist that the treatment is no longer appropriate based on the person's current condition;

2. The Sheriff's Office does not use incentives, rewards, or punishments to encourage or discourage a person to receive any particular MOUD over another MOUD while in the facility's custody;

3. The Sheriff's Office does not deny health services, or services provided in connection with drug rehabilitation, to an individual on the basis of that individual's current illegal use of drugs if the individual is otherwise entitled to such services, the Sheriff's Office may deny participation in a drug treatment program to individuals who engage in the illegal use of drugs while they are in the program; and,

4. The Sheriff's Office will notify the USAO of any material alterations to its policy for providing MOUD.

This Letter of Resolution is limited to the issues described above and does not address any other alleged violations of the ADA or other federal laws that may exist or arise.

Thank you again for your continued cooperation, collaboration, and partnership.

Sincerely,



Gregory J. Dorchak
Assistant U.S. Attorney
Civil Rights Unit
United States Attorney's Office
1 Courthouse Way, Suite 9200
Boston, MA 02215