



Senator Lindsey Graham  
Chair, Senate Judiciary Committee  
224 Dirksen Senate Office Building  
Washington, DC 20510

Senator Dianne Feinstein  
Ranking Member, Senate Judiciary Committee  
224 Dirksen Senate Office Building  
Washington, DC 20510  
June 4, 2020

Re: Examining Best Practices for Incarceration and Detention During COVID-19

To Senators Graham and Feinstein,

Freedom for Immigrants respectfully requests to submit the following comment for the Congressional record for the Senate Judiciary Committee Hearing “Examining Best Practices for Incarceration and Detention During COVID-19 Crisis,” held June 2, 2020.

Freedom for Immigrants (FFI) is a national non-profit dedicated to the abolition of immigration detention. We convene a network of 4,500 visitor volunteers, which conducts weekly visits to ICE jails and prisons throughout the country to provide support to detained individuals and monitor for abuses. We also operate a pro bono hotline that detained persons can use to report conditions violations and request support. Our additional direct services programming includes a national bond fund and post-release support. In the policy sphere, we advocate for federal, state, and local level policies to reduce immigration detention, improve oversight of existing facilities, and promote community-based alternatives to detention.

#### Monitoring of COVID-19 in ICE Detention

FFI documents COVID-19 in ICE detention via our National Detention Map.<sup>1</sup> The map is populated with information provided by advocates, members of FFI’s umbrella visitation network, media reports, statements from government officials, and via reports to our National Detention Hotline from individuals in ICE detention. Information on the map is used to generate bi-weekly reports on COVID-19 in ICE detention.

We respectfully submit to submit to the Congressional record FFI’s COVID-19 reports in their entirety. The reports document COVID-19 in ICE detention during the following period. The reports are hyperlinked below and included in their entirety directly following this comment.

- [May 15, 2020 – May 28, 2020](#)
- [April 30, 2020 – May 14, 2020](#)
- [April 15, 2020 – April 29, 2020](#)

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<sup>1</sup> <https://www.freedomforimmigrants.org/map>



- [March 23, 2020 – April 14, 2020](#)

FFI's reports include detailed information on the spread of COVID-19 in ICE detention, the agency's compliance with its obligations to facilitate safe releases from detention, abuses, and retaliation for internal organizing. However, we wish to highlight several key trends in this comment for the Congressional record:

*ICE's public reporting on COVID-19 is not reliable*

In our bi-weekly COVID-19 reports, FFI has documented numerous instances in which ICE's public reporting was delayed, did not match its private statements, or omitted key information. In general, FFI notes a discrepancy in the frequency with which ICE updates its data on confirmed cases of COVID-19 between facilities, with facilities in the South appearing to be updated with greater frequency than facilities in the North. For example, as of May 28, ICE had not updated its information on confirmed cases of COVID-19 in the Buffalo Federal Detention Facility in Batavia, New York in more than a month, while confirmed cases of COVID-19 at the Otay Mesa Detention Center in San Diego, California are updated on a weekly basis. This raises questions as to how ICE prioritizes its testing, and by extension, how this prioritization of testing influences public reporting and understanding of the scope of COVID-19 in detention.

ICE continues to refuse to publicly disclose the number of its third party contract staff who have tested positive for COVID-19. ICE does not disclose this information even when officials from private prison companies which contract with the agency report positive cases among their staff in public statements.<sup>2</sup> Similarly, ICE also does not report on confirmed cases of COVID-19 among people held in the custody of other government entities co-located at its facilities, contributing to under-reporting of the scope of COVID-19 outbreaks.

*ICE's practices directly contribute to rapid spread of COVID-19*

COVID-19 spread rapidly through ICE detention. When FFI began documenting COVID-19 in ICE detention, on March 24, the number of publicly confirmed cases in ICE detention was 14. By May 28, the time of FFI's latest COVID-19 report, the number of confirmed cases had increased to 1,327 positive cases across 54 facilities. As of June 8, ICE has confirmed 1,709 total confirmed cases among persons in its custody since the beginning of the COVID-19 pandemic.<sup>3</sup>

ICE's practices directly contributed to this rapid increase in confirmed cases. Specifically, ICE's continuation of transfers between facilities without adequate screening or implementation of medical isolation measures facilitated the spread of COVID-19 throughout detention. FFI documented several cases in which ICE transferred people from facilities with high known concentrations of COVID-19 to facilities with no confirmed cases of COVID-19. FFI also documented instances in which ICE conducted transfers to comply with court litigation mandating that the agency reduce its detention levels in specific facilities to enable

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<sup>2</sup> Katz, Matt. "Lawyers for ICE Detainees at a New Jersey Facility: Free Them All." Gothamist. May 15, 2020. <https://gothamist.com/news/lawyers-ice-detainees-new-jersey-facility-free-them-all>

<sup>3</sup> <https://www.ice.gov/coronavirus>



social distancing. ICE facilitated these transfers rather than utilize existing avenues for release. Transfers to comply with litigation mandating reductions in detention levels directly contributed to the spread of COVID-19 in several facilities.<sup>4</sup> In addition, ICE deported people who had been exposed to or recently tested positive for COVID-19, contributing to the global spread of the virus.<sup>5</sup>

ICE's continued use of "cohorting" further contributed to the spread of COVID-19 in detention. Through this practice, ICE groups people who may have been exposed to COVID-19 together for an observation period, virtually ensuring that anyone in the "cohort" who has not already been exposed to COVID-19 will be exposed to the virus. FFI documented numerous reports from people in detention regarding differences in implementation of cohorting across facilities, with some people subjected to cohorting reporting that they were allowed to take their meals with the general population. FFI also documented widespread reports from people in detention of failure of facility staff to observe proper public health protocols, including wearing of facemasks and personal protective equipment (PPE).

FFI received widespread reports of lack of access to soap, disinfectant, and cleaning supplies. Although ICE officials have publicly assured members of Congress that the agency is providing free access to soap in all of its facilities, people in detention continue to report inadequate supplies of soap and being forced to purchase additional quantities for exorbitant rates at commissaries. Without access to sufficient quantities of soap, people in detention are unable to take even basic measures to protect themselves against transmission of COVID-19.

#### *Conditions inside ICE detention remain dire*

Conditions inside ICE detention remain dangerous and deadly. In addition to widespread lack of access to soap and hygiene equipment, people in detention report a growing lack of access to other essential supplies and services, including food. In some instances, people in detention attribute shortages in food to disruptions in facility staffing and supply lines. FFI documented numerous reports from people in detention that essential medical treatments were deferred due to alleged capacity constraints posed by COVID-19. In addition, FFI documented widespread reports from people displaying severe COVID-19 symptoms who were denied access to testing. In many cases, people in detention with severe COVID-19 cases reported only being prescribed Tylenol as a form of treatment. People in detention also reported widespread fears of reporting COVID-19 symptoms for fear of being sent to solitary

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<sup>4</sup> For additional reporting on how ICE's transfer policy contributed to spread of COVID-19, see Madan, Monique O. "Instead of releasing detainees, ICE is transferring them to other detention centers." Miami Herald. May 5, 2020. <https://www.miamiherald.com/news/local/immigration/article242485081.html> See also Madan, Monique. "Coronavirus cases skyrocket at ICE detention center in Broward after transfer from Miami." Miami Herald. May 19, 2020. <https://www.miamiherald.com/news/local/immigration/article242844451.html>

See also Aleaziz, Hamed. "ICE moved dozens of detainees across the country during the pandemic. Now many have COVID-19." BuzzFeed News. April 29, 2020.

<https://www.buzzfeednews.com/article/hamedaleaziz/ice-immigrant-transfer-jail-coronavirus>

<sup>5</sup> Blitzer, Johnathan. "The Trump administration's deportation policy is spreading the coronavirus." The New Yorker. May 13, 2020. <https://www.newyorker.com/news/daily-comment/the-trump-administrationsdeportation-policy-is-spreading-the-coronavirus>



confinement as a means of medical isolation, where they are further restricted from methods of external communication and face a heightened risk of abuse and neglect.

### *ICE retaliates against detained people for internal organizing*

Throughout the course of our COVID-19 monitoring, FFI noted an apparent increase in retaliation for internal organizing protesting conditions inside ICE detention, criticizing the agency's response to COVID-19, and calling for releases from detention. This retaliation included solitary confinement, restrictions to phone or internet access, deportation<sup>6</sup>, use of pepper spray<sup>7</sup> and chemical agents<sup>8</sup>, and use of force. In at least one instance, use of force included attack dogs and resulted in the hospitalization of detained people.<sup>9</sup> In some instances, people in detention reported retaliation for even posing simple questions about ICE's COVID-19 response strategy or reporting instances in which ICE or contract staff failed to observe proper public health protocols.

### *ICE is not complying with its obligations to facilitate safe releases*

Even in instances where ICE complies with court orders to release people from detention, the agency fails to fulfill its obligations under the Performance Base National Detention Standards (PBNDS) to facilitate connection to viable transportation hubs. In several instances, people released from detention were dumped in random locations and left to fend for themselves.<sup>10</sup> FFI documented several instances ICE released people with confirmed cases of COVID-19 without providing people released from detention with PPE or coordinating with local post-release service providers to provide transportation and follow-on care.

### *ICE's abuse and neglect have cost lives*

ICE's abuse, neglect, and inability or unwillingness to implement proper public health protocols have cost lives:

- On May 6, ICE confirmed that Carlos Ernesto Escobar Mejia had died of COVID-19. Mejia, a 40+ year resident U.S. resident of El Salvadoran origin, had been transferred

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<sup>6</sup> Alvarado, Monsy. "ICE detainee suing for release in NJ had deportation stopped by judge. He was deported anyway." North Jersey.com. May 20, 2020. <https://www.northjersey.com/story/news/newjersey/2020/05/20/ice-detainee-held-nj-who-filed-suit-released-deported-mexico/5222658002/>

<sup>7</sup> Morel, Laura C. "Inside of ICE Lockdown: Face masks made of socks, no hand sanitizer, and growing tensions." Reveal News. April 7, 2020. <https://revealnews.org/article/inside-ice-lockdown-face-masks-made-of-socks-no-hand-sanitizer-and-growing-tensions/>

<sup>8</sup> <https://www.newsweek.com/over-250000-sign-petition-stop-ice-using-powerful-disinfectant-detainees-allegedly-suffer-1508326>

<sup>9</sup> "ICE detainees hospitalized, Sheriff reports 'extensive damage' after coronavirus-based incident in Bristol County Jail." WBUR. May 2, 2020. <https://www.wbur.org/news/2020/05/01/coronavirus-icedetainees-massachusetts-detention>

<sup>10</sup> Gambini, Phil. "ICE's ill treatment of released detainees: immigrants freed from federal detention in Batavia dumped at gas station and left to fend for themselves." Investigative Post. April 28, 2020. <https://www.investigativepost.org/2020/04/28/ices-ill-treatment-of-released-detainees/>

- to a hospital after being detained at Otay Mesa Detention Facility in San Diego, California. Mejia had applied for and been denied bond on April 15.<sup>11</sup>
- On May 14, officials confirmed that Alonzo Garza-Salazar, a 56-year-old man of Mexican origin, died of complications from COVID-19 at the Joe Corley Detention Facility in Conroe, Texas.<sup>12</sup> Garza-Salazar was a long-time U.S. resident, father of four, and grandfather of seven. At the time of his death, Garza-Salazar was held in the custody of the U.S. Marshals Service (USMS). The Joe Corley facility holds people in the custody of both ICE and the USMS.
  - On May 17, Chung Woong Ahn, 74-year-old man of South Korean origin and long-time U.S. resident, died at the Mesa Verde ICE Processing Center in Mesa Verde, California.<sup>13</sup> ICE reported the cause of death to be apparent suicide. At the time of his death, Ahn's lawyers had submitted three requests for release, the most recent of which was rejected on May 13. According to Ahn's family, he suffered from lung cancer, diabetes, hypertension, and a history of heart attacks.
  - On May 25, ICE confirmed the death of Santiago Baten-Oxlag. Baten-Oxlag, a 34-old man of Guatemalan origin, died in ICE custody at a hospital in Columbus, Georgia after being transferred from the Stewart Detention Center in Lumpkin, Georgia.<sup>14</sup> At the time of his death, Baten-Oxlag had been hospitalized since April 17. According to an internal government report reviewed by BuzzFeed News, Baten-Oxlag's cause of death was complications due to COVID-19.

### Policy Proposals

ICE has proven that it is either incapable or unwilling of ensuring the wellbeing of people in its custody during the COVID-19 pandemic. If ICE does not immediately and dramatically reduce its detention levels, more people will die. Freedom for Immigrants continues to work toward the abolition of all immigration detention. Congress should immediately:

- Ensure that all those currently in ICE detention have regular and free access to sufficient quantities of soap, hygiene supplies, and disinfectant. Ensure that those currently in ICE detention are granted unlimited phone access free of charge for the

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<sup>11</sup> Morrissey, Kate. "First ICE detainee dies from COVID-19 after being hospitalized from Otay Mesa Detention Center." San Diego Tribune. May 6, 2020.

<https://www.sandiegouniontribune.com/news/immigration/story/2020-05-06/first-ice-detainee-dies-from-covid-19-after-being-hospitalized-from-otay-mesa-detention-center>

<sup>12</sup> Tallet, Olivia P. "Immigrant held at Conroe detention center died from COVID-19, family says." Houston Chronicle. May 14, 2020. Alonzo Garza-Salazar

<https://www.houstonchronicle.com/news/houstontexas/houston/article/Immigrant-held-at-Conroe-detention-center-died-15271445.php>

<sup>13</sup> Castillo, Andrea. "ICE said a 74-year-old was too dangerous to release. He died of apparent suicide." Los Angeles Times. May 20, 2020. <https://www.latimes.com/california/story/2020-05-20/immigrant-icedetention-suicide-coronavirus>

<sup>14</sup> Aleaziz, Hamid. "An Immigrant Man in ICE Custody Died After Contracting the Coronavirus." BuzzFeed News. May 25, 2020. <https://www.buzzfeednews.com/article/hamedaleaziz/immigrant-icecoronavirus-death>



duration of the pandemic. [L] [SEP]

- Direct ICE to halt transfers between facilities and place a moratorium on deportations during the COVID-19 pandemic. [L] [SEP]
- In an effort to ensure that immigrant detention facilities do not further risk COVID-19 exposure for detention facility staff and detainees, direct ICE to halt enforcement activity during this time.
- Direct ICE to use its available discretionary powers to release all immigrants from detention, including release on recognizance, parole, and into the care of community sponsors, notwithstanding other provisions of law.
- Ensure that no additional funds are appropriated to ICE or Customs and Border Protection in COVID-19 related stimulus packages. [L] [SEP]
- Require ICE to publicly report on a continual basis the number of its third-party contractors who have contracted COVID-19.
- Ensure that community-based organizations working to facilitate releases from ICE detention are equipped with the financial and material resources they need to meet the challenges presented by COVID-19, including personal protective equipment, temporary housing, and safe means of transportation. Direct ICE to allocate funds for alternatives to detention that have not already been dispersed to community-based post-release service providers. Any additional funding for post-release service providers shall be dispersed through FEMA or another agency independent of ICE and CBP. [L] [SEP]

Thank you for considering this comment.

Sincerely,

A handwritten signature in black ink that reads "Sarah Gardiner".

Sarah Gardiner  
Policy Director  
Freedom for Immigrants



## **COVID-19 IN ICE CUSTODY** **Biweekly Analysis & Update**

*April 14, 2020*

Freedom for Immigrants (FFI) hosts an [interactive detention map](#) that includes real time mapping of Immigration and Custom Enforcement's (ICE) response to COVID-19. The map is populated with information drawn from news reports, publicly available databases, and via individual reporting through survey responses and our National Detention Hotline.<sup>1</sup>

### **Executive Summary**

Information included in this update was collected between March 23-April 14, 2020. Confirmed cases of COVID-19 within ICE jails and prisons increased dramatically during this period. On March 24, ICE reported its first confirmed case of COVID-19 among a person detained at Bergen County Jail in **Hackensack, New Jersey**. By April 14, this number had increased to at least 77 cases across 22 facilities. The largest concentrations of confirmed COVID-19 cases are in **California, New York, and New Jersey**. However, advocates, detained persons, and legal services providers express serious concerns with apparent lags and gaps in ICE's reporting and lack of available testing, fueling concerns that actual numbers of positive COVID-19 cases in ICE detention could be much higher. People held in ICE detention report crowded and unsanitary conditions, continued transfers of people between facilities with known or suspected outbreaks, and a lack of or insufficient quantities of soap and personal protective equipment (PPE), for the people in custody as well as staff and guards. Freedom for Immigrants (FFI) received numerous reports from persons in ICE custody that they felt fear for their lives, and were regularly in contact with people demonstrating potential COVID-19 symptoms who were not being tested or receiving appropriate medical care. Detained people also reported that ICE was either failing to provide or deliberately blocking information about the spread of COVID-19 inside detention, leading to increased anxiety among the people in detention about their health and wellbeing. With the suspension of social visitation and given limitations to in-person legal visitation and barriers to external communication, people in detention reported feelings of isolation and hopelessness. Reports of people requesting PPE and hygienic products, conducting peaceful sit-ins, and organizing hunger strikes came from regions across the country. FFI documented numerous instances of retaliation in response to internal organizing, including use of pepper spray—a chemical agent known to cause respiratory difficulties, including coughing, which may increase spread of infection among a population held in close quarters—and retaliatory use of solitary confinement.

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<sup>1</sup> The Freedom for Immigrants National Detention Hotline is a dedicated phone line where immigrants in ICE detention, as well as their loved ones or advocates, can reach FFI trained volunteers; in response to COVID-19, our volunteers now conduct a specialized intake designed to assess the readiness and efficacy of COVID-19 response measures in each ICE facility.

## Spread of COVID-19 Inside ICE Detention

### *Confirmed Cases*

As of April 14, 2020, Immigration and Customs Enforcement (ICE) reports 77 positive cases of COVID-19 among persons in its custody across 22 prisons, and in one Miami hospital.<sup>2</sup> ICE also reports 19 confirmed cases of COVID-19 among its employees working at its jails and prisons.<sup>3</sup>

In a public statement, an ICE spokesperson said that the agency does not have an obligation to report instances in which contract staff working at its facilities test positive for COVID-19.<sup>4</sup> ICE has confirmed some instances of positive COVID-19 tests among third party contractor staff in press statements, including the Montgomery Processing Center in **Conroe, Texas**.<sup>5</sup> However, detained people at facilities operated by private prison companies report that they believe contractors inside these facilities have tested positive or are exhibiting symptoms.<sup>6</sup> According to an April 10 press report, contractors at the Krome Service Processing Center in **Miami, Florida** who are awaiting COVID test results are still attending work.<sup>7</sup>

The highest concentration of officially confirmed positive cases is at the Otay Mesa Detention Center in **San Diego, California** with 15 confirmed cases, followed by the Buffalo Detention Facility in **Buffalo, New York** with eight confirmed cases, and the Elizabeth Contract Detention Facility in **Elizabeth, New Jersey** with seven confirmed cases. Six confirmed cases are reported at the Florence Detention Center in **Florence, Arizona** and at the Stewart Detention Center in **Lumpkin, Georgia**. ICE also confirmed six cases among the detained population across four facilities in Louisiana and 11 positive cases among the Alexandria Staging facility, though which many deportation flights are routed, in **Alexandria, Louisiana**.

Advocates report lags in ICE's COVID-19 reporting as well as discrepancies between ICE's reporting and the reality inside detention facilities:

- ICE did not confirm positive cases of COVID-19 at the Buffalo Detention Facility in **Buffalo, New York** until April 3, and the agency initially reported

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<sup>2</sup> ICE Guidance on COVID-19. April 12, 2020. <https://www.ice.gov/coronavirus>. ICE states that some of these cases may correspond with individuals who are no longer in its custody.

<sup>3</sup> *Id.*

<sup>4</sup> Madan, Monique O. "Two workers at ICE Detention Center in Miami-Dade Test Positive for Coronavirus." Miami Herald. April 6, 2020.

<https://www.miamiherald.com/news/local/immigration/article241791511.html>

<sup>5</sup> Coleman, Justine. "First Immigrant in ICE Detention Center Tests Positive for Coronavirus." The Hill. March 24, 2020. <https://thehill.com/policy/national-security/department-of-homeland-security/489312-first-immigrant-in-ice-detention>

<sup>6</sup> Call received to Freedom for Immigrants National Detention Hotline. April 3, 2020.

<sup>7</sup> Madan, Monique O. "There was Blood: Fights Break Out at Miami Detention Center Over Coronavirus Fears." Miami Herald. April 10, 2020.

<https://www.miamiherald.com/news/local/immigration/article241891946.html>



- only four confirmed cases.<sup>8</sup> This number increased to seven by April 13.<sup>9</sup> However, advocates raised concerns over possible COVID-19 cases within the facility as early as March 22, after two people were transferred to Buffalo from Bergen County Jail in **Hackensack, New Jersey** on March 12, where a corrections officer tested positive COVID 19.<sup>10</sup>
- On April 9, the Miami Herald reported that the Miami ICE Field Office originally denied that anyone in their custody tested positive for COVID-19 because the first person to test positive in that jurisdiction was being treated at a nearby hospital—and not in a detention facility—at the time of a press inquiry about their status.<sup>11</sup> ICE officials confirmed the case after the individual in question was transferred back to the Krome Service Processing Center in **Miami, Florida** and following a story by the Miami Herald regarding the existence of a positive COVID-19 case in the jurisdiction of the ICE Miami Field Office.

In addition, ICE’s reports of positive tests of COVID-19 in its facilities do not appear to include positive tests of COVID-19 at the same facility, for people held under the jurisdiction of different law enforcement agencies. For example, ICE reports 15 confirmed cases of COVID-19 at Otay Mesa in **San Diego, California**. According to an April 10 press report, an additional four immigrants have also tested positive at the same facility, where they are detained under the custody of the U.S. Marshals Service.<sup>12</sup>

### *Reports of Implemented Quarantine or Isolation Measures in Response to COVID-19*

FFI tracks reports of isolation measures in responses to COVID-19, including quarantines, “cohorting,” and facility lock downs. Our research shows quarantine or isolation has been implemented in at least 14 facilities. Four of the facilities where FFI tracked reports of quarantine do not have any confirmed cases of COVID-19:

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<sup>8</sup> “Four People in ICE Custody Test Positive for COVID-19.” WKBW. April 10, 2010.

<https://www.wkbw.com/news/coronavirus/four-people-in-ice-custody-test-positive-for-covid-19>

<sup>9</sup> Mikati, Massarah. “Seven Immigrants Test Positive for COVID-19 at Batavia Facility.” Associated Press. April 3, 2020. [https://auburnpub.com/news/local/seven-immigrants-test-positive-for-covid-19-at-batavia-ice-facility/article\\_c9f83451-aca2-5195-856c-ba2166a9c0bf.html](https://auburnpub.com/news/local/seven-immigrants-test-positive-for-covid-19-at-batavia-ice-facility/article_c9f83451-aca2-5195-856c-ba2166a9c0bf.html)

<sup>10</sup> Evans, Noelle C. “Advocates Call for ICE Detainees’ Release at Batavia Amid threat of Possible COVID-19 outbreak.” WXXI News. April 12, 2020. <https://www.wxxinews.org/post/advocates-call-ice-detainees-release-batavia-amid-threat-possible-covid-19-outbreak>

<sup>11</sup> Madan, Monique O. “Inmate at Krome in ICE Detention Tests Positive for COVID 19. Here’s How ICE Kept it Quiet.” Miami Herald. April 8, 2020.

<https://www.miamiherald.com/news/local/immigration/article241829036.html>

<sup>12</sup> Morrissey, Kate. “Detainees at Otay Mesa Detention Center Were Offered Masks, but Only if They Signed Contracts.” The San Diego Tribune. April 10, 2020.

<https://www.sandiegouniontribune.com/news/immigration/story/2020-04-10/otay-mesa-detention-center-gets-masks-but-asks-detainees-to-sign-contract-first>

- Orange County Jail in **Goshen, New York**<sup>13</sup>;
- Broward County Transitional Center in **Deerfield, Florida**<sup>14</sup>;
- Glades County Detention Center in **Moore Haven, Florida**<sup>15</sup>;
- South Louisiana ICE Processing Center in **Basile, Louisiana**<sup>16</sup>.

According to ICE’s internal guidance on pandemic response, if an individual is demonstrating COVID-19 symptoms they should be assigned their own housing space and bathroom.<sup>17</sup> According to the same guidance, “cohorting” - in which “a group of persons with similar conditions are grouped or housed together for observation over a period of time” should only be used as a last resort.

Implementation of quarantines and medical measures varies. In some facilities, individuals report being restricted to their cells for a period of two weeks upon suspicion of COVID-19 cases in a facility; others report being restricted to dormitory wings of facilities except to access legal or medical services; others report instances in which those medically vulnerable to COVID-19 are segregated from the general population in one large cohort; and some cite instances in which people were placed in solitary confinement—a form of punishment that has come under increasing scrutiny by human rights organizations—for the purpose of medical isolation. Many of ICE’s jails and prisons are so severely overcrowded that people are housed in a large cafeteria or mess hall where as many as 57 people sleep in one space. As a result, it is nearly impossible to implement individual quarantines on a large scale, resulting in widespread use of cohorting.

FFI tracked and received reports from detained persons at facilities with active quarantine or isolation measures that they were unable to access services, including outdoor recreational space.

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<sup>13</sup> Katz, Matt. “In Their Own Words: ICE Detainees Locked Up in NY&NJ Live in Fear of Coronavirus Spread Behind Bars.” March 25, 2020. The Gothamist. <https://gothamist.com/news/their-own-words-ice-detainees-locked-ny-nj-live-fear-coronavirus-spread-behind-bars>

<sup>14</sup> “Immigrants Detained at BTC: We Have a lot of Flu-Like Symptoms Going Around.” Freedom for Immigrants. March 30, 2020. <https://imm-print.com/nearly-250-people-detained-at-btc-sign-letter-voicing-coronavirus-concerns/>

<sup>15</sup> Madrid, Manuel. “Florida ICE Jail Quarantines Detainees Amid Coronavirus Testing.” Miami New Times. March 10, 2020. <https://www.miamiherald.com/news/ice-immigrant-detainees-in-glades-county-florida-tested-for-coronavirus-11581235>

<sup>16</sup> Nathan, Debbie. “Women in ICE Detention, Fearing Coronavirus, Make Video to Protest Unsafe Conditions.” The Intercept. March 30, 2020. <https://theintercept.com/2020/03/30/coronavirus-ice-detention/?fbclid=IwAR3nXT33IseBp08K5kc1sx1bIdYkv7gGkQooYQ8dO16BBHkncZQgg0hkzz4>

<sup>17</sup> U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations. COVID-19 Pandemic Response Requirements. April 10, 2020. <file:///Users/SGardiner/Library/Containers/com.apple.mail/Data/Library/Mail%20Downloads/A282E5E1-11DC-48E1-BECF-E53ED6A4EA4C/ERO%20supplement.pdf>

## *Transfers*

In some cases, facilities with active quarantines or known cases of COVID-19 continued to receive and transfer detained people:

- In a March 30 open letter, individuals detained at the Broward Transitional Center in **Pompano Beach, Florida** reported, “Since the outbreak of the Coronavirus everywhere has been quarantined, but yet ICE still brings new detainees to this facility on a daily basis without administering proper tests or checks but simply a temperature check knowing full and well that not every individual will display the common symptoms.”<sup>18</sup>
- On April 2, a person detained at Glades County Detention Center in **Moore Haven, Florida** reported to advocates that people being transferred into the facility are not being properly screened upon arrival to the facility. According to an April 10 press report, 20 people were transferred to Glades from the Krome Service Processing Center in **Miami, Florida**—where at least one positive case of COVID-19 had been detected only seven days earlier.<sup>19</sup>

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<sup>18</sup> “Immigrants Detained at BTC: We Have a lot of Flu-Like Symptoms Going Around.” Freedom for Immigrants. March 30, 2020. <https://imm-print.com/nearly-250-people-detained-at-btc-sign-letter-voicing-coronavirus-concerns/>

<sup>19</sup> Madan, Monique O. “There was Blood: Fights Break Out at Miami Detention Center Over Coronavirus Fears.” Miami Herald. April 10, 2020. <https://www.miamiherald.com/news/local/immigration/article241891946.html>

## Conditions Inside ICE Detention Centers

### *Inadequate Information Sharing or Attempts to Suppress Information*

FFI received and tracked widespread reports regarding lack of information about COVID-19 or deliberate attempts to prevent detained people from learning about the spread of the pandemic, causing widespread confusion and fear.

- On April 3, an advocate reported that officials at the La Palma Correctional Center in **Eloy, Arizona** had not informed immigrants in custody about positive cases of COVID-19 at that facility, leaving immigrants inside to learn about these cases through family members or the news.<sup>20</sup>
- As reported in a March 30 Intercept article, a woman detained at the South Louisiana ICE Processing Center in **Everglade Parish, Louisiana** stated that a dorm housing 72 women was placed on quarantine.<sup>21</sup> The same woman reported that facility officials informed detained people that the quarantine was in effect in response to risk of the flu spreading in detention, and not COVID-19. However, a woman held at the facility was removed on a gurney and with the assistance of an oxygen tank after exhibiting flu-like symptoms and was later re-admitted into the facility medical wing. A person detained at the facility reported seeing a marker on her sick room door of “confirmed or suspected COVID-19,” but stated that facility staff did not update people in her “pod” on her status or provide further information about COVID-19 response planning.
- On April 13, the coordinator of a monitoring program who remains in ongoing contact with persons detained at Krome Service Processing Center in **Miami, Florida** reported that television and phone access was completely shut off for at least one whole day during the course of the week of April 6, following a positive COVID-19 diagnosis and significant media attention on the risk of COVID-19 spread within that facility.

### *Failure of Staff to Observe Proper Health Protocols*

FFI also documented numerous instances in which facility staff failed to observe proper health protocols, or directed detained people to ignore health directives, resulting in substantial risk to both the detained and non-detained population:

- According to an April 6 call from an advocate calling on behalf of a person detained at the Adelanto Service Processing Center in **Adelanto, California**, signs regarding how to mitigate the threat of COVID-19 are posted in the facility, in both Spanish and English, but not all staff is observing the

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<sup>20</sup> Call received to Freedom for Immigrants National Detention Hotline. April 3, 2020.

<sup>21</sup> Nathan, Debbie. “Women in ICE Detention, Fearing Coronavirus, Make Video to Protest Unsafe Conditions.” The Intercept. March 30, 2020. <https://theintercept.com/2020/03/30/coronavirus-ice-detention/?fbclid=IwAR3nXT33IseBp08K5kc1sx1bIdYkv7gGkQooYQ8dO16BBHkncZQg0hkzz4>

- recommended protocols.<sup>22</sup> Another advocate calling FFI's hotline on behalf of a person detained at Adelanto reported that, as of April 5, only one facility guard is wearing a face mask at all times.<sup>23</sup>
- On April 3, a person detained at Otay Mesa Detention Center in **San Diego, California** reported that detained people are not allowed to use articles of clothing to fashion make-shift face masks, in accordance with Center for Disease Control (CDC) guidance.<sup>24</sup>
  - On April 3, an advocate calling FFI's hotline on behalf of a person detained at the Otay Mesa Detention Center in **San Diego, California** reported that detained people working in custodial services were being instructed to re-use gloves due to shortages in personal protective equipment (PPE).<sup>25</sup>
  - An advocate in regular contact with family members of a person detained in Montgomery Processing Center in **Conroe, Texas** reported that facility staff gave the detained person Tylenol and Mucinex after the person reported feeling symptoms consistent with COVID-19, including cough and fatigue. The detained person also has a history of cardiovascular disease and uses an inhaler. Despite the person's clear medical vulnerability to COVID-19, ICE has not granted early release or transferred the individual to a hospital.

### *Shortages in essential supplies*

FFI also received and tracked widespread reports regarding lack of access to essential supplies, including soap; hygiene products; and medicine. In one instance, officials attempted to make access to face masks conditional on signing a liability release waiver:

- Between March 24 and April 13, FFI received 24 total reports via our National Detention Hotline and map survey regarding inadequate quantities of free soap. When individuals run out they often need to purchase additional supplies at the commissary for \$2 -\$3 a bar.
- On April 2, an advocate in regular contact with people detained at Glades County Detention Center in **Moore Haven, Florida** reported widespread shortages of basic toiletries, hygiene products, and medicine and that the facility has run out of all antibiotics and all medicine for colds, pain, and diabetes and will not receive a new supply for at least seven days.
- On April 3, a person detained at Otay Mesa Detention Center in **San Diego, California** reported to FFI's hotline that they had pneumonia and a sharp pain in their leg but only received Tylenol and no further medical care.<sup>26</sup>
- According to an April 10 press report, women detained at Otay Mesa were informed that they needed to sign liability release waivers as a condition of

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<sup>22</sup> Call received to Freedom for Immigrants National Detention Hotline. April 6, 2020.

<sup>23</sup> Call received to Freedom for Immigrants National Detention Hotline. April 5, 2020.

<sup>24</sup> Call received to Freedom for Immigrants National Detention Hotline. April 3, 2020.

<sup>25</sup> Call received to Freedom for Immigrants National Detention Hotline. April 3, 2020.

<sup>26</sup> Call received to Freedom for Immigrants National Detention Hotline. April 3, 2020.

- accepting face masks.<sup>27</sup> According to press reports, when the women refused to sign, ICE pepper-sprayed them.<sup>28</sup> Women were ultimately given the facemasks without being forced to sign an additional waiver.
- On April 6, an advocate calling FFI's hotline on behalf of someone detained at the Adelanto ICE Processing Center in **Adelanto, California** reported that facility staff was only prescribing Tylenol for illnesses.<sup>29</sup>

### *Internal Organizing in Response to COVID-19*

FFI received and tracked reports of organizing inside of detention, including release of videos<sup>30</sup> and letters<sup>31</sup> documenting conditions inside facilities and initiation of hunger strikes. FFI also received reports of retaliation in response to this internal organizing, including excess use of force with pepper spray and physical violence, placing protest organizers in solitary confinement and restricting access to phone services and access to outdoor recreation. FFI tracked reports of internal organizing by people detained at ICE jails and prisons at 24 facilities. FFI noted the following instances of retaliation by ICE and facility staff for internal organizing:

- According to advocates and persons detained at Otay Mesa Detention Facility in **San Diego, California**, on April 8, 23 people were on hunger strike and 5 had been placed in solitary confinement as retaliation for this organizing.
- On April 6, an advocate reported via FFI's detention survey that some of those detained at Imperial Regional Detention Facility in **Calexico, California** had initiated a hunger strike and, as a result, facility officials restricted access to the law library and that officials are beginning to search people multiple times a day, at times confiscating property.
- On March 24, media outlets reported that guards at the South Texas ICE Processing Center in **Pearsall, Texas** pepper-sprayed approximately 60 people detained at the facility when they refused to return to their beds and called for ICE to release them.<sup>32</sup>

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<sup>27</sup> Morrissey, Kate. "Detainees at Otay Mesa Detention Center Were Offered Masks, but Only if They Signed Contracts." The San Diego Tribune. April 10, 2020.

<https://www.sandiegouniontribune.com/news/immigration/story/2020-04-10/otay-mesa-detention-center-gets-masks-but-asks-detainees-to-sign-contract-first>

<sup>28</sup> "Protests Call Out Mounting COVID 19 Cases at Immigrant Prisons in California, Arizona." Democracy Now. April 13, 2020.

[https://www.democracynow.org/2020/4/13/headlines/protests\\_call\\_out\\_mounting\\_covid\\_19\\_cases\\_at\\_immigrant\\_prisons\\_in\\_arizona\\_california](https://www.democracynow.org/2020/4/13/headlines/protests_call_out_mounting_covid_19_cases_at_immigrant_prisons_in_arizona_california)

<sup>29</sup> Call received to Freedom for Immigrants National Detention Hotline. April 6, 2020.

<sup>30</sup> <https://www.youtube.com/watch?v=piQGtgKx5uY>

<sup>31</sup> "Immigrants Detained at BTC: We Have a lot of Flu-Like Symptoms Going Around." Freedom for Immigrants. March 30, 2020. <https://imm-print.com/nearly-250-people-detained-at-btc-sign-letter-voicing-coronavirus-concerns/>

<sup>32</sup> Foster-Frau, Silvia. "Detained migrants pepper-sprayed for protesting amid coronavirus fears." San Antonio Express News. March 24, 2020. <https://www.expressnews.com/news/us-world/border-mexico/article/Detained-migrants-pepper-sprayed-for-rioting-amid-15154870.php>



- On March 24, officials at the Pine Prairie ICE Processing Center in **Pine Prairie, Louisiana** pepper-sprayed seven people detained at the facility after they refused to leave their cell for fear of being transferred or placed in solitary confinement. After they were pepper-sprayed, the men reported that they were sent to solitary confinement in the same clothing, which burned their skin, and without access to essential supplies like toothpaste and toilet paper.<sup>33</sup>
- On April 2, advocates reported that 100 people had initiated a hunger strike at the Farmville Detention Center in **Farmville, Virginia**, which is operated by private prison company Immigration Corrections of America.<sup>34</sup> Advocates report that some of the hunger strike organizers and participants have been placed in isolation.<sup>35</sup>

## Conclusion

The above examples of ICE's response to COVID-19 are by no means an exhaustive list. More detailed information about specific facilities can be found on FFI's [Detention Map](#), which is updated daily with information related to COVID-19. ICE cannot keep the people in its custody safe or even meet their basic needs. The agency and its contractors are responding to peaceful organizing with threats, intimidation, and retaliation. FFI continues to call on ICE to use all existing mechanisms at its disposal to release all those in its custody, including release on recognizance, parole, and into community-based post-release support programming.

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<sup>33</sup> Lanard, Noah. "It's still too painful to put clothes on: An ICE Detainee Reports He was Pepper-Sprayed and Sent to Isolation." Mother Jones. March 25, 2020. <https://www.motherjones.com/politics/2020/03/ice-geo-detention-pine-prairie-pepper-spray-louisiana/>

<sup>34</sup> Misra, Tanvi. "Sixth ICE Detainee Tests Positive for COVID-19 as hunger strikes begins." CQ Roll Call. April 2, 2020. <https://www.rollcall.com/2020/04/02/sixth-ice-detainee-tests-positive-for-covid-19-as-hunger-strikes-begin/>

<sup>35</sup> MacLeod, Alan. "Inmates at Privately Run ICE Camp Go on Hunger Strike Amid COVID-19 Outbreak, Deteriorating Conditions." Mintpress News. April 3, 2020. <https://www.mintpressnews.com/inmates-ice-camp-go-hunger-strike-amid-covid-19/266369/>

## **COVID-19 IN ICE CUSTODY** **Biweekly Analysis & Update**

*April 29, 2020*

Freedom for Immigrants (FFI) hosts an [interactive detention map](#) that includes real time mapping of Immigration and Custom Enforcement's (ICE) response to COVID-19. The map is populated with information drawn from news reports, publicly available databases, and via individual reporting through survey responses and our National Detention Hotline.<sup>1</sup>

### Executive Summary

Information included in this update was collected between April 15-April 29, 2020. Confirmed cases of COVID-19 increased by 348 during this time, with the largest concentrations of confirmed cases occurring in New York, Louisiana, and California. During this period officials from other government entities stated that Immigration and Customs Enforcement (ICE) suppressed their ability to publicly report the results of their own COVID-19 testing at facilities where ICE is co-located with other law enforcement entities. Although Immigration and Customs Enforcement (ICE) only conducted tests for approximately 1.38 percent of the detained population, the agency continued to conduct transfers between facilities as well as deportations. In some cases transfers appeared to directly correlate with new incidences of COVID-19. People in detention reported that ICE does not observe basic public health protocols to mitigate the spread of COVID-19 during the course of general facility operations, in some cases failing even to screen for symptoms when transferring individuals between facilities. People in detention also expressed fear that ICE's implementation of quarantines and cohorting could be contributing to the spread of the virus inside detention. During this time, Freedom For Immigrants (FFI) continued to receive widespread reports of medical neglect, lack of access to essential supplies, and failure on the part of ICE or prison officials to observe public health protocols. People in detention reported numerous instances in which officials responded to internal organizing, peaceful protests, or even requests for basic information with pepper spray, use of force, and restriction to external communication. FFI documented several cases in which ICE failed to honor its obligations to connect people leaving detention with viable transportation options, in some cases resulting in people being stranded on the street. FFI also noted incidences in which people with pre-existing medical conditions—rendering them medically vulnerable to COVID-19—remained inside detention prisons. In response to the rapid spread of COVID-19 in detention and widespread reports of abuse and unsafe conditions, calls for the Department of Homeland Security (DHS) to release immigrants from detention increased, including from the United Nations.

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<sup>1</sup> The Freedom for Immigrants National Detention Hotline is a dedicated phone line where immigrants in ICE detention, as well as their loved ones or advocates, can reach FFI trained volunteers; in response to COVID-19, our volunteers now conduct a specialized intake designed to assess the readiness and efficacy of COVID-19 response measures in each ICE facility.

## Spread of COVID-19 Inside ICE Detention

### *Confirmed Cases*

As of April 29, ICE reported 425 confirmed cases of COVID-19 among people detained across 35 of its immigration prison facilities.<sup>2</sup> The largest concentration of reported confirmed cases is in the Otay Mesa Detention Center in **San Diego, California** (84 cases), followed by the Buffalo Federal Detention Facility in **Batavia, New York** (49 cases), Richwood Correctional Center in **Monroe, Louisiana** (45 cases), and Prairieland Detention Center in **Alvarado, Texas** (41). As of April 27, ICE also reported 36 confirmed cases among its staff assigned to detention facilities. The largest reported concentrations of COVID-19 cases among staff are at the Alexandria Staging Facility in **Alexandria, Louisiana** (14 cases) and Otay Mesa (8 cases).

ICE continues to refuse to publicly disclose positive cases of COVID-19 among its third-party contract staff.<sup>3</sup> However, on April 14, a federal judge ordered ICE to disclose how many of its contractors had tested positive at three ICE jails in southern Florida, in response to a lawsuit seeking release from people detained at these facilities.<sup>4</sup> ICE provided information about positive cases of COVID-19 among its third-party contract staff in southern Florida, but did so under seal. In addition, a Department of Homeland Security (DHS) official disclosed in a sworn declaration that at least one ICE contract staff member has died as a result of COVID-19.<sup>5</sup> The same official also stated that people held in the custody of other law enforcement agencies at facilities co-located with ICE have also died of COVID-19.<sup>6</sup>

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<sup>2</sup> <https://www.ice.gov/coronavirus>

<sup>3</sup> No publicly available information exists regarding the number of positive cases among ICE's third party contract staff. Geo Group and CoreCivic/CCA, two of the largest private prison companies in the United States manage a combined 41 facilities, which hold more than half of all people detained in ICE custody. Many facilities run by public entities also have components of their services managed by third-party contracts. *See* Madan, Monique O. "Two workers at ICE detention center in Miami-Dade test positive for Coronavirus." Miami Herald. April 6, 2020.

<https://www.miamiherald.com/news/local/immigration/article241791511.html>

For more information, see:

"These People are Profitable: Under Trump, private prisons are cashing in on ICE Detainees." USA Today. December 20, 2019. <https://www.usatoday.com/in-depth/news/nation/2019/12/19/ice-detention-private-prisons-expands-under-trump-administration/4393366002/>

<sup>4</sup> Madan, Monique O. "ICE Refuses to Say if Its Contractors Have COVID-19. A Federal Judge Just Ordered It To." Miami Herald. April 15, 2020.

<https://www.miamiherald.com/news/local/immigration/article242022731.html>

<sup>5</sup> <https://twitter.com/Tanvim/status/1250818579664076802>

<sup>6</sup> Id.

In several instances, ICE reported positive testing among its direct-hire employees while reporting that there were no positive cases of COVID-19 among the detained population. These facilities include:

- Houston Contract Detention Center in **Houston, Texas**
- Aurora Contract Detention Center in **Aurora, Colorado**
- Alexandria Staging Facility in **Alexandria, Louisiana**
- Butler County Jail in **Hamilton, Ohio**

During this period, ICE's reporting on COVID-19 test results directly conflicted with the reporting provided by other government entities. On April 19, officials in **Essex County, New Jersey** began conducting blood tests to detect the presence of COVID-19 antibodies among people detained at the Essex County Correctional Facility. The facility holds both people facing civil immigration charges and people facing or serving criminal sentences. According to results from this testing, 20 immigrants held at Essex tested positive for COVID-19 and another 43 had antibodies present.<sup>7</sup> Essex County officials released this information to the public as part of regular County updates on COVID-19. However, on April 23, Essex County Chief of Staff Philip B. Alagia issued a statement confirming that, "...ICE has prohibited us from reporting on any information regarding their detainees including all of our test results."<sup>8</sup> Updates from Essex County officials on COVID-19 no longer include results of testing at Essex County Correctional Facility. According to ICE's official COVID-19 reporting, only two people detained at Essex County have tested positive for COVID-19, in direct contradiction of Essex County officials.

ICE also reported low numbers of reported cases at facilities with quarantine measures in place and known, widespread exposure to COVID-19. For example, ICE reports two confirmed cases of COVID-19 at the Krome Detention Center in **Miami, Florida**. However, according to April 20 court filings by Liana J. Castro, the acting director in charge of the Krome Detention Center, 350 people detained at Krome had been exposed to COVID-19 and were being quarantined together.<sup>9</sup> Advocates and local attorneys in regular contact with people detained at Krome report people in detention with severe symptoms of COVID-19 are not being tested.

In addition to the inaccurate and false reporting, ICE's own reporting was also inconsistent and unreliable. On April 21, when the agency updated its reporting of positive COVID-19 cases, the agency deleted previous mention of two positive cases at the LaSalle Correctional Center in **Olla, Louisiana** without explanation. On April 28, ICE's reporting of confirmed cases fluctuated between 375 to 360 to 425.

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<sup>7</sup> Alvarado, Monsy. "Essex County jail uses antibody test to screen inmates and ICE detainees." North Jersey.com. April 19, 2020. <https://www.northjersey.com/story/news/new-jersey/2020/04/19/essex-county-uses-covid-antibody-test-screen-inmates-ice-detainees/5161525002/>

<sup>8</sup> <https://twitter.com/Haleaziz/status/1253467269826441217/photo/1>

<sup>9</sup> Madan, Monique O. "More than Half of Krome Detainees Have been Exposed to the Coronavirus." Miami Herald. April 21, 2020.

<https://www.miamiherald.com/news/local/immigration/article242171661.html>

## *Testing*

Advocates, people in detention, and public health experts continue to report that the actual number of confirmed cases of COVID-19 in ICE detention is much higher than the numbers offered by ICE. This is due, in part, to low rates of testing. As of April 29, ICE reported that it had only administered 705 COVID-19 tests to the 32,309 people in its custody,<sup>10</sup> meaning that 60.2% percent of people who ICE had tested had contracted COVID-19.

On April 27, a group of medical experts and academics released the results of a stochastic (i.e. randomized) model to estimate the rate of COVID-19 transmission within 111 ICE facilities. The study concluded that 72% of people detained in these facilities will be infected with COVID-19 within 90 days under an optimistic transmission scenario while nearly 100% of detained individuals will be infected using a pessimistic transmission model.<sup>11</sup>

## *Transfers and Deportations*

Despite low numbers of available testing, ICE continued to transfer people between facilities and carry out deportations. This included transfers from or between facilities with known cases of COVID-19. FFI continued to receive widespread reports of failure to implement screening or preventive isolation measures for incoming transfers. These reports included an April 23 call from a person detained at the Imperial Regional Detention Facility in **Calexico, California** that the facility was continuing to receive transfers without implementing quarantines for arrivals.<sup>12</sup>

According to an April 20 press report, approximately 50 people of Guatemalan origin detained at the Krome Service Processing Center in **Miami, Florida** were transferred from Krome to other ICE prisons in Florida, through the Miami airport, at least 11 times over the course of a week. According to the same report, none of the people subjected to transfers were given personal protective equipment (PPE) during the transfers.<sup>13</sup>

According to data obtained via a partnership with Mobile Pathways, a nonprofit organization that uses mobile phone technology to provide free and accurate information to refugees, immigrants, and asylum-seekers, Freedom for Immigrants identified three instances in which ICE transferred people from the Buffalo Federal Detention Facility in

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<sup>10</sup> Madan, Monique O. "ICE has tested a tiny fraction of its detainees for COVID-19. Most of them were positive." Miami Herald. April 22, 2020.

<https://www.miamiherald.com/news/local/immigration/article242203726.html>

<sup>11</sup> Irvine, Michael et al. "Modeling COVID-19 and impacts on US Immigration and Enforcement (ICE) detention facilities, 2020." Journal of Urban Health. 2020. [https://whistleblower.org/wp-content/uploads/2020/04/Irvine\\_JUH\\_ICE\\_COVID19\\_model.pdf](https://whistleblower.org/wp-content/uploads/2020/04/Irvine_JUH_ICE_COVID19_model.pdf)

<sup>12</sup> Call to Freedom for Immigrant's National Detention Hotline. April 23, 2020.

<sup>13</sup> Madan, Monique O. "More than half of Krome detainees have been exposed to the coronavirus." Miami Herald. April 20, 2020. <https://www.miamiherald.com/news/local/immigration/article242171661.html>

**Buffalo, New York**—the ICE prison with the second-highest concentration of reported cases (47 cases)—to the Prarieland Detention Center in **Alvarado, Texas** between April 8 – April 19. In Buffalo, the first positive case of COVID-19 had already been publicly reported on April 9.<sup>14</sup> Eight days later, on April 17, the first positive case of COVID-19 at Prarieland Detention Center in **Alvarado, Texas** was first publicly reported. At the date of the last transfer from Buffalo, Prarieland had three confirmed COVID-19 cases. Two days later, the number climbed to 27. Detained individuals report that one man displayed COVID-19 symptoms at the time of transfer but was introduced to the general population instead of being quarantined. Prarieland now has 41 confirmed cases. An April 27 press report stated that 20 people were transferred from the Pike County Correctional Facility in **Hawley, Pennsylvania** to Prarieland on April 11.<sup>15</sup> These transfers occurred after two positive COVID-19 cases were confirmed at Pike County Correctional.

ICE continued to carry out deportations despite the presence of confirmed cases in its facilities. On April 16, officials from the Guatemalan government said that 44 people on a deportation flight to Guatemala tested positive for COVID-19.<sup>16</sup> According to information from the flight-tracking site Flight Aware, two flights from a U.S. government contractor that operates deportation flights arrived in Guatemala City on April 13, with one arriving from **Alexandria, Louisiana** and another from **El Paso, Texas**.<sup>17</sup> As cited above, the highest concentration of COVID-19 positive cases among ICE direct hire staff is at the Alexandria Staging Facility in **Alexandria, Louisiana**.

### *Quarantines and Cohorting*

FFI received and tracked numerous reports from people inside detention expressing concern that ICE’s implementation of quarantines and cohorting was contributing to the spread of COVID-19 inside detention. According to ICE’s internal guidance on pandemic response, if an individual is demonstrating COVID-19 symptoms they should be assigned to quarantine in their own housing space and bathroom. According to the same guidance, “cohorting” - in which “a group of persons with similar conditions are grouped or housed together for observation over a period of time” should only be used as a last resort.<sup>18</sup>

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<sup>14</sup> Evans, Noelle. “COVID-19 Cases nearly tripled in a week among detainees at Batavia detention center.” WXII News. April 16, 2020. <https://www.wxii9x.com/post/covid-19-cases-nearly-tripled-week-among-detainees-batavia-detention-center>

<sup>15</sup> Solis, Diane. “Virus began spreading in Texas detention center as positive immigrants were quickly transferred from northeast.” Dallas News. April 27, 2020. <https://www.dallasnews.com/news/public-health/2020/04/27/virus-began-spreading-in-texas-detention-center-as-positive-immigrants-were-quickly-transferred-in-from-northeast/>

<sup>16</sup> “Guatemala Official: 44 Deportees Test Positive for Virus.” Associated Press. April 16, 2020. <https://www.nytimes.com/aponline/2020/04/16/world/americas/ap-lt-virus-outbreak-guatemala-deportations.html>

<sup>17</sup> Ibid.

<sup>18</sup> U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations. COVID-19 Pandemic Response Requirements. April 10, 2020. file:///Users/SGardiner/Library/Containers/com.apple.mail/Data/Library/Mail%20Downloads/A282E5E1-11DC-48E1-BECF-E53ED6A4EA4C/ERO%20supplement.pdf



However, FFI documented widespread use of cohorting, including in overcrowded conditions. People in detention also reported lack of access to essential services as a result of implementation of quarantines or cohorting, including lack of access to recreation and the law library.

- On April 20, advocates affiliated with FFI in regular contact with people detained at the Richwood Correctional Center in **Richwood, Louisiana** received a letter from people detained at the facility stating that nearly all of the people detained at the facility were housed in two dorms, with an intended capacity of 40 people each. According to the letter, 96 people are currently housed in each dorm. The letter also stated that eight solitary confinement cells are available for the purposes of medical isolation, and detained people with fevers are held there only until their fever breaks, then returned to the general population.
- On April 21, an advocate in regular contact with people detained at the Denver Contract Detention Facility in **Aurora, Colorado** reported that a quarantine had been implemented. The advocate stated that detained people asked facility staff if the quarantine was in response to COVID-19 or if anyone at the facility had contracted COVID-19, and did not receive any answers. According to people detained at Aurora, a guard, who later tested positive for Covid19, had worked in the section of the facility now subject to quarantine.
- According to an April 22 press report, 17 women detained at the El Paso Service Processing Center in **El Paso, Texas** were placed in quarantine together after coming into contact with a detained person who tested positive for COVID-19.<sup>19</sup> The women were held in a tent and reported that they were separated via a partition from a group of approximately 12 other women, which included one of the women who had tested positive at the facility. The women in quarantine said they did not have enough soap and were not allowed outside to exercise while in quarantine.

In addition to concerns regarding the implementation of quarantines and cohorting, people in detention reported widespread instances in which ICE and prison officials failed to observe proper health protocols, including failure to wear face masks or gloves when interacting with detained people or touching surfaces or items in commonly used spaces.

### *Releases*

According to a declaration by a DHS official, as of April 15, ICE had released 693 people from custody.<sup>20</sup> These releases followed earlier statements from ICE officials that the agency would conduct a review of those in their custody and prioritize those medically

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<sup>19</sup> Kocherga, Angela. “‘It’s frightening.’ Quarantined ICE detainees in El Paso tell their stories.” El Paso Matters. April 22, 2020. <https://elpasomatters.org/2020/04/22/its-frightening-quarantined-ice-detainees-in-el-paso-share-their-stories/>

<sup>20</sup> <https://twitter.com/Tanvim/status/1250818579664076802>

vulnerable to COVID-19 for release.<sup>21</sup> On April 20, a federal judge in California ordered ICE to conduct an additional custody review to identify those medically vulnerable to COVID-19 and facilitate their release.<sup>22</sup>

FFI documented numerous instances in which people with pre-existing conditions who are medically vulnerable to COVID-19 remain in detention. For example, on April 16, a person detained at the Buffalo Federal Detention Facility in **Batavia, New York** reported that he is forced to share a cell with another detained person, even though he is medically vulnerable to COVID-19 due to a pre-existing respiratory illness.<sup>23</sup> The same man reported that he has requested medical services and a refill of necessary prescriptions without success. In other instances, ICE granted release in response to individual petitions or litigation only after a person had contracted COVID-19, presenting challenges for post-release care.<sup>24</sup>

FFI also documented several instances in which ICE failed to meet its obligations with regards to facilitating post-release transportation. This included releasing people detained at the Yuba County Jail in **Marysville, California** directly to the street without any information or resources on how to reach transportation hubs.<sup>25</sup> In addition, advocates report that ICE transports people released from the Imperial Regional Detention Facility in **Calexico, California** to a local Greyhound station at a time when buses are not operational, due to a reduced COVID-19 schedule.<sup>26</sup>

On April 23, a federal judge ordered immigration officials to reduce the number of people held at the Adelanto Service Processing Center in **Adelanto, California** ordered ICE to reduce the number of people detained at the facility to a level that would allow everyone who remained detained to remain six feet apart.<sup>27</sup> According to estimates by the ACLU, if this order is fully implemented, it could result in a 75% reduction of facility detention levels.<sup>28</sup> ICE has until May 4 to comply with the ruling and may do so by facilitating releases, deporting those with final orders of deportation and who have exhausted all appeals, or transferring people to other ICE jails where they are able to keep a six-foot social distance at all times. According to an April 28 press report, officials at

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<sup>21</sup> “ACLU Statement on Announcement that ICE will Release Medically Vulnerable People.” American Civil Liberties Union. April 7, 2020. <https://www.aclu.org/press-releases/aclu-statement-announcement-ice-will-release-medically-vulnerable-people>

<sup>22</sup> Montoya-Galvez, Camilo. “Judge orders ICE to consider releasing all immigrants at risk of dying if infected with Coronavirus.” CBS News. April 20, 2020. <https://www.cbsnews.com/news/judge-orders-ice-to-consider-releasing-all-immigrants-at-risk-of-dying-if-infect-by-the-coronavirus-2020-04-20/>

<sup>23</sup> Call to Freedom for Immigrants National Detention Hotline. April 16, 2020.

<sup>24</sup> Madan, Monique O. “ICE detainee with COVID-19 in Miami Detention will be released – with nowhere to go.” Miami Herald. April 17, 2020.

<https://www.miamiherald.com/news/local/immigration/article242081946.html>

<sup>25</sup> Complaint filed with DHS Office for Civil Rights and Civil Liberties. April 16, 2020.

<sup>26</sup> Complaint filed with DHS Office for Civil Rights and Civil Liberties. April 15, 2020.

<sup>27</sup> Kopetman, Roxana. “COVID-19: Judge orders ICE detention center to release detainees, ensure social distancing during coronavirus.” Mercury News. April 23, 2020.

<https://www.mercurynews.com/2020/04/23/federal-judge-orders-adelanto-ice-detention-center-to-release-detainees-ensure-social-distancing-amid-coronavirus/>

<sup>28</sup> Ibid.

the United Nations urged the U.S. government to release immigrants from detention in response to COVID-19.<sup>29</sup>

## Conditions Inside ICE Detention

### *Medical Neglect*

**Between April 15-22, FFI received 27 calls to our National Detention Hotline regarding medical neglect.** FFI documented additional examples of medical neglect at ICE prisons via media outlets and reporting from advocates. Examples of medical neglect include deferral of surgeries unrelated to COVID-19 and failure to escalate medical treatment for people confirmed to have COVID-19 and who were exhibiting life-threatening symptoms. Some examples of medical neglect include:

- On April 15, a person detained at the Adelanto ICE Processing Center in **Adelanto, California** reported that they had witnessed another person detained at the facility walking around for a week with a catheter full of urine and feces.
- On April 15, a family member of a woman detained in Bluebonnet Detention Center, in **Anson, Texas** reported that she was hospitalized for a pre-existing medical condition.<sup>30</sup> She reported that, after being hospitalized, ICE did not provide her with her medical diagnosis or information about any necessary follow-up care. She stated that she and her family are concerned that her illness might make her vulnerable to COVID-19. She reported that she is unable to request humanitarian parole or further support because ICE hasn't released her medical records.
- On April 16, a person detained at River Correctional Center in **Ferriday, Louisiana** reported that medical treatments unrelated to COVID-19, including surgeries, are being delayed due to the state of emergency.<sup>31</sup>
- According to an April 17 press report, an asylum seeker of Guatemalan origin detained at the Richwood Correctional Center in **Monroe, Louisiana** tested positive for COVID-19 and was forced to attend a court hearing regarding the validity of his asylum claim.<sup>32</sup> During the hearing, he was so weak the guard with him stated he did not have the lung capacity to state his name, and was ultimately transferred to a nearby hospital.<sup>33</sup> However, he was ultimately discharged from the hospital after several days, before he was able to fully recover, and returned to

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<sup>29</sup> "U.N. Calls for Release of Immigrant Prisoners as San Diego Facility Refuses to Allow Face Mask Delivery." April 28, 2020.

[https://www.democracynow.org/2020/4/28/headlines/un\\_calls\\_for\\_release\\_of\\_immigrant\\_prisoners\\_as\\_san\\_diego\\_facility\\_refuses\\_to\\_allow\\_face\\_mask\\_delivery](https://www.democracynow.org/2020/4/28/headlines/un_calls_for_release_of_immigrant_prisoners_as_san_diego_facility_refuses_to_allow_face_mask_delivery)

<sup>30</sup> Call to Freedom for Immigrants National Detention Hotline. April 15, 2020.

<sup>31</sup> Call to Freedom for Immigrant's National Detention Hotline. April 16, 2020.

<sup>32</sup> Merchant, Nooman. "Detained Migrant with COVID-19 Forced to Call Into Court." Associated Press. April 17, 2020. <https://apnews.com/1b4254ac7245200fa61dce79aa38de15>

<sup>33</sup> Ibid.

- Richwood.<sup>34</sup> According to statements to FFI from the man’s lawyer, facility staff only conducted COVID-19 testing after they were directly pressured to do so by the man’s family and lawyer. Also according to the man’s lawyer, he was initially placed in solitary confinement upon exhibiting symptoms, along with a number of other individuals in nearby cells. After ultimately testing positive for COVID-19 he was transferred to a dorm with one other man who was also assumed to be COVID-19 positive. Facility officials conducted only twice daily wellness checks. On April 28, the Southern Poverty Law Center and American Civil Liberties Union of Louisiana sent a letter to Deputy Director and Senior Official Performing the Duties of the Director of ICE Matthew T. Albence expressing concern with the this specific case as well as broader medical neglect at Richwood.<sup>35</sup> The letter cited reports of Tylenol being prescribed as the sole medical treatment for detained people with COVID-19. The letter also reported a case in which a detained individual, who is a cancer survivor and has a colostomy bag and exposed intestines, contracted COVID-19 due to the conditions at Richwood.
- On April 20, a person detained at the El Paso Service Processing Center in **El Paso, Texas** reported via FFI’s National Detention Hotline that she was not given testing for COVID-19 despite displaying several symptoms, including fever and nausea.<sup>36</sup> The woman reported that she was tested for influenza and sent back to her dorm, which she shared with 48 other people. She reported that another woman detained with her touched her forehead to test for fever before developing her own fever and being admitted to the medical unit. The same person reported that doctors came to the unit and informed them that someone in their dorm had contracted COVID-19. However, everyone in the dorm then went to eat breakfast with people from another dorm, without any PPE, and then reported for work.

### *Shortages in essential supplies and unhygienic conditions*

FFI documented instances of shortages in essential supplies, including hygiene and cleaning supplies, as well as apparent disruptions to food supply lines. **Between April 15-28, FFI received 21 calls related to either insufficient quantities of soap or a complete lack of access to any soap.** People in detention also reported overall unhygienic conditions and delayed facility repairs:

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<sup>34</sup> Letter from Southern Poverty Law Center and American Civil Liberties Union of Louisiana to Acting ICE Director Matthew T. Albence. April 28, 2020.

<https://pbs.twimg.com/media/EWtWhO9XQAI30WO.png>

<sup>35</sup> Letter from Southern Poverty Law Center and American Civil Liberties Union of Louisiana to Acting ICE Director Matthew T. Albence. April 28, 2020.

<https://pbs.twimg.com/media/EWtWhO9XgAI2XkH.png> and

<https://pbs.twimg.com/media/EWtWhO9XQAI30WO.png>

<sup>36</sup> Call to Freedom for Immigrant’s National Detention Hotline. April 20, 2020.

- On April 27, a person detained at Adelanto ICE Processing Center in **Adelanto, California** reported that they were only being given water to clean with and that staff was not using gloves or masks.<sup>37</sup>
- On April 17, a person detained at Otay Mesa Detention Center in **San Diego, California** reported that the air ventilation is inadequate and they overheard a facility official saying that the ventilation system had not been cleaned in four years and that the water tastes of bleach.<sup>38</sup> On April 23, another person detained at the Otay Mesa reported that people detained at the facility had only received bread for four days.<sup>39</sup>
- On April 16, a person detained at Adams County Detention Center in **Natchez, Mississippi** reported that they were being held in close quarters with 150 other people and that there were insufficient quantities of soap and hand sanitizer. The same person reported that facility officials provided individual facemasks intended for single use to detained persons. The same person reported that the facility was no longer serving cooked food, and detained people were primarily eating bread.<sup>40</sup>

### *Retaliation and Abuse*

FFI documented several instances of abuse. This included multiple instances of pepper spray in retaliation for internal organizing and requests by detained people for information about COVID-19 mitigation plans.<sup>41</sup> FFI also recorded restrictions to external means of communication:

- On April 7, Reveal News released a story regarding conditions inside Pine Prairie ICE Processing Center in **Pine Prairie, Louisiana**.<sup>42</sup> The article included reports from people detained at Pine Prairie detailing unhygienic conditions, lack of access to soap and cleaning products, and instances in which Geo Group employees used pepper spray against groups of people in detention. On April 17, Laura C Morel, a reporter from Reveal News reported that the video chat accounts for two sources for the story had been suspended and that Reveal had written letters to officials in ICE' internal oversight offices raising concern that the suspensions raised potential First Amendment violations.<sup>43</sup>
- On April 14, a woman detained at Irwin County Detention Center in **Ocilla, Georgia** reported to an advocate that an ICE officer made threats to her and several other detained women who had initiated a hunger strike. According to the

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<sup>37</sup> Call to Freedom for Immigrant's National Detention Hotline. April 27, 2020.

<sup>38</sup> Call to Freedom for Immigrants National Detention Hotline. April 23, 2020.

<sup>39</sup> Call to Freedom for Immigrant's National Detention Hotline. April 23, 2020.

<sup>40</sup> Call to Freedom for Immigrants' National Detention Hotline. April 16, 2020.

<sup>41</sup> Pepper spray is a respiratory irritant which causes coughing, potentially exacerbating the risk of COVID-19 transmission in close quarters.

<sup>42</sup> Morel, Laura C. "Inside of ICE Lockdown: Face masks made of socks, no hand sanitizer, and growing tensions." Reveal News. April 7, 2020. <https://revealnews.org/article/inside-ice-lockdown-face-masks-made-of-socks-no-hand-sanitizer-and-growing-tensions/>

<sup>43</sup> <https://twitter.com/lauracmorel/status/1251188204428046336>

- woman, the officer said that if they did not end their strike, they would not be released from detention, might lose water access, and would be transferred. According to an April 28 press report, women detained at the Irwin faced retaliation after sending a video<sup>44</sup> documenting conditions inside the facility, including overcrowding and lack of PPE.<sup>45</sup> Women detained at Irwin reported that access to video chat applications was restricted after the video was released and that four of the women who had participated in the video recording were placed in solitary confinement, without access to means of external communication for several days.<sup>46</sup> One woman reported that officials ordered her to sign a statement saying she had acted improperly by filming the video.<sup>47</sup>
- On April 20, legal services providers informed an advocate that people detained at Catahoula Corrections Center in **Catahoula, Louisiana** reported that facility officials sprayed people in detention with tear gas and used stun guns on them. The use of force occurred after a group of detained people refused to let detention officers count them.<sup>48</sup> People protesting said they were demonstrating because the ICE deportation officers assigned to their cases had not checked in on them in weeks, when ICE rules state that people in detention should have “..frequent opportunities for informal contact with ICE ... staff” and that ICE Enforcement and Removal Operations Staff should respond to written requests in person or in writing within three business days of receipt.<sup>49</sup> Several protest participants also cited low quality food, unhygienic conditions, and lack of access to cleaning supplies as a motivation for protesting.<sup>50</sup>
  - In a statement, ICE and CoreCivic representatives confirmed that, on April 20, officials at the Stewart Detention Center in **Lumpkin, Georgia** pepper sprayed people detained at the facility.<sup>51</sup>
  - On April 21, advocates with Pueblos Sin Fronteras reported that CoreCivic/CCA guards brought pizza into the Otay Mesa Detention Center in **San Diego, California** for dinner and told people engaged in a hunger strike that the guards would eat the pizza in front of them if they refused to break their strike.<sup>52</sup> On April

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<sup>44</sup> <https://www.youtube.com/watch?v=aQt6QbkWsLI>

<sup>45</sup> Nathan, Debbie. “Women in ICE Detention face reprisals for speaking about fears of COVID-19.” The Intercept. April 28, 2020.

<https://theintercept.com/2020/04/28/ice-detention-coronavirus-videos/>

<sup>46</sup> Nathan, Debbie. “Women in ICE Detention face reprisals for speaking about fears of COVID-19.” The Intercept. April 28, 2020.

<https://theintercept.com/2020/04/28/ice-detention-coronavirus-videos/>.

<sup>47</sup> Ibid.

<sup>48</sup> Officials at ICE jails and prisons conduct “counts” of the detained population several times a day. During “counts,” detained people are instructed to remain on their bed or in their cell and are not allowed to make phone calls, use the bathroom, or access other services until “count” is completed.

<sup>49</sup> Immigration and Customs Enforcement Performance Based National Detention Standards 2011. Section 2.13. <https://www.ice.gov/doclib/detention-standards/2011/2-13.pdf>

<sup>50</sup> For more information, see also: Lanard, Noah. “ICE Detainees Terrified of the Coronavirus Wanted to be Deported. Guards Pepper-Sprayed Them.” Mother Jones. April 23, 2020.

<https://www.motherjones.com/politics/2020/04/ice-detainees-terrified-of-the-coronavirus-wanted-to-be-deported-guards-pepper-sprayed-them/>

<sup>51</sup> <https://twitter.com/jlosc9/status/1253478570141323264>

<sup>52</sup> <https://twitter.com/PuebloSF/status/1252713476025286656>



- 22, advocates with Pueblos Sin Fronteras reported that officials at Otay Mesa pepper-sprayed people detained at the facility when they said they did not want to be transferred to a different area of the building, out of fear of contracting COVID-19.<sup>53</sup> On April 23, a man detained at the Otay Mesa reported that he was experiencing retaliation for his participation in a hunger strike.<sup>54</sup> The man said that he was being kept away from the general population and that facility guards were depriving him of sleep by banging doors at night, rattling their keys loudly, and keeping the radio playing.
- On April 27, a person detained at Imperial Regional Detention Facility in **Calexico, California** reported that eight people had been placed in isolation in apparent retaliation for writing a letter of complaint about lack of proper precautions against Covid-19 outbreak.<sup>55</sup>

In addition to the incidences of retaliation cited above, FFI noted one additional cases in which officials at CoreCivic/CCA prisons told detained people that they needed to sign liability waivers in order to receive face masks and PPE.<sup>56</sup> According to an April 17 press report, men detained at the La Palma Correctional Center in **Eloy, Arizona** stated that they were required to sign a waiver before receiving a facemask.<sup>57</sup> The men said the waiver stated that the masks might not protect the men from contracting COVID-19 and released CoreCivic/CCA from liability. A spokesperson for CoreCivic/CCA denied this allegation and said the company had distributed an “educational handout” with the masks.

## Conclusion

The above examples of ICE’s response to COVID-19 are not an exhaustive list. More detailed information about specific facilities can be found on FFI’s [Detention Map](#), which is updated daily with information related to COVID-19. ICE fails to observe even basic public health protocols to mitigate against causing people inside their facilities to get the virus. In many cases, the agency willfully continues actions—including transfers without any known screening or testing—that will likely accelerate harm and put at risk the people who are in their custody while undermining public health efforts to ‘flatten the curve’ and preserve hospital capacity. At the same time, as people inside their custody

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<sup>53</sup> <https://twitter.com/PuebloSF/status/1253143297129775104>

<sup>54</sup> Call to Freedom for Immigrants National Detention Hotline. April 23, 2020.

<sup>55</sup> Call to Freedom for Immigrant’s National Detention Hotline. April 27, 2020.

<sup>56</sup> In FFI’s first COVID-19 update, published on April 15, we noted that people detained at Otay Mesa were told they needed to sign liability waivers in order to receive facemasks. People detained at Otay Mesa reported that they were pepper sprayed for refusing to sign. For more information, see:

Morrissey, Kate. “Detainees at Otay Mesa Detention Center were offered masks, but only if they signed liability contracts.” San Diego Tribune. April 10, 2020.

<https://www.sandiegouniontribune.com/news/immigration/story/2020-04-10/otay-mesa-detention-center-gets-masks-but-asks-detainees-to-sign-contract-first>

See also FFI’s March 23-April 14 COVID-19 report. <https://www.freedomforimmigrants.org/covid19>

<sup>57</sup> Joffe-Block, Jeff; Fernandez, Valeria. “ICE Tactics to Limit Spread of COVID-19 in Detention Stir Controversy.” Arizona Center for Investigative Reporting. April 16, 2020.

<https://azcir.org/news/2020/04/16/ice-cohorting-immigrant-detention/>



raise legitimate concerns and demands over their health, ICE and prison officials have increased retaliation for internal organizing, meeting even basic requests for information with use of force. If detention levels are not immediately and dramatically reduced, virtually everyone in ICE detention—and those who work and come into contact with ICE facilities—will be exposed to COVID-19, to the immense harm of all of our communities. FFI continues to call on ICE to use all existing mechanisms at its disposal to release all those in its custody, including release on recognizance, parole, and into community-based post-release support programming.

## **COVID-19 IN ICE CUSTODY** **Biweekly Analysis & Update**

*May 14, 2020*

Freedom for Immigrants (FFI) hosts an [interactive detention map](#) that includes real time mapping of Immigration and Custom Enforcement's (ICE) response to COVID-19. The map is populated with information drawn from news reports, publicly available databases, survey responses, and via reporting from visitation groups<sup>1</sup> within FFI's umbrella network and our National Detention Hotline.<sup>2</sup>

### Executive Summary

Information included in this update was collected between April 30-May 14. Immigration and Customs Enforcement (ICE) public reporting of confirmed COVID-19 cases increased by 518 during this time. Tragically, the first publicly confirmed death of COVID-19 inside ICE detention occurred on May 6, when Carlos Ernesto Escobar Mejia died while in custody after he was transferred to a hospital from the Otay Mesa Detention Facility in San Diego, California. On May 10, Óscar López Acosta died of complications from COVID-19, approximately two weeks after his release from the Morrow County Jail in Gilead, Ohio. ICE continues to refuse to publicly disclose the number of its third-party contractors who have tested positive for COVID-19. In many cases, the agency willfully continued actions—including conducting transfers from and to facilities with known COVID-19 cases and dangerous “cohorting” practices—that will likely accelerate harm and put at risk the people who are in their custody while undermining public health efforts to preserve hospital capacity. In some instances, ICE initiated transfers to comply with court directives to reduce detention levels in specific facilities, serving to increase detention levels in the transfer sites rather than facilitate releases into community-based support networks. Court-mandated releases increased during this time, although advocates reported difficulties discerning which releases were directly the result of litigation and raised concerns regarding lack of coordination on post-release support services. FFI continued to document reports of retaliation for both internal organizing and refusals to comply with transfer directives due to fear of contracting COVID-19, including use of force resulting in hospitalization. FFI continued to document medical neglect, failure of facility staff to observe proper health protocols, lack of adequate food, uneven phone access, and continued lack of access to soap and sanitary supplies.

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<sup>1</sup> Freedom for Immigrants coordinates a national network of detention visitation programs around the country focused on human rights monitoring, advocacy, and abolition. The network includes approximately 4500 volunteers who support people detained and their families in over 50 immigrant prisons and jails in nearly 30 states.

<sup>2</sup> The Freedom for Immigrants National Detention Hotline is a dedicated phone line where immigrants in ICE detention, as well as their loved ones or advocates, can reach FFI trained volunteers; in response to COVID-19, our volunteers now conduct a specialized intake designed to assess the readiness and efficacy of COVID-19 response measures in each ICE facility.

## Spread of COVID-19 Inside Immigration Detention

### *Reporting of Confirmed Cases*

As of May 14, Immigration and Customs Enforcement (ICE) reported 943 confirmed cases of COVID-19 across 45 facilities.<sup>i</sup> This represents an increase of 444 cases and the addition of ten new facilities since FFI's last update on April 29. The highest concentration of reported positive cases is at the Otay Mesa Detention Center in **San Diego, California** (149 cases), followed by Bluebonnet Detention Facility in **Anson, Texas** (79 cases) Richwood Correctional Center in **Monroe, Louisiana** (64 cases), the La Palma Correctional Facility in **Eloy, Arizona** (57 cases), the Buffalo Federal Detention Facility in **Batavia, New York** (49 cases), and the Morrow County Correctional Facility in **Mount Gilead, Ohio** (47 cases).

As of May 14, ICE reported 44 instances of positive COVID-19 cases among its staff assigned to detention facilities. The largest reported concentration of positive COVID-19 cases among staff is concentrated at the Alexandria Staging Facility in **Alexandria, Louisiana** (15 cases) and at the Otay Mesa Detention Center in **San Diego, California** (11 cases).

ICE continued to refuse to publicly disclose the number of its third party contractors who had contracted COVID-19. However, according to an April 28 press report, 40 CoreCivic employees at the Stewart Detention Center in Lumpkin, Georgia have tested positive for COVID-19.<sup>ii</sup> As of May 11, ICE reports only two positive cases among its direct hire staff assigned to Stewart.

ICE continues to exclude from its reporting confirmed COVID-19 cases among people held in the custody of federal law enforcement co-located at its facilities. 209 people in federal custody at the Otay Mesa Detention Center in **San Diego, California** had tested positive for COVID-19, according to a May 8 report by the *San Diego-Tribune*.<sup>iii</sup> 143 of these positive cases represented people in ICE custody and 66 represented people held in the custody of the U.S. Marshals Service (USMS). There are 13 cases of COVID-19 among persons held in USMS custody at the Central Arizona Florence Correctional Center in **Mesa, Arizona**, according to a May 8 report by the *Arizona Center for Investigative Journalism*.<sup>iv</sup> ICE also contracts at this facility, but does not report any cases of COVID-19. There is currently no official reporting on COVID-19 cases in USMS custody.

## *Testing*

As of May 14, ICE reports that it has tested 1,788 people in its custody for COVID-19.<sup>y</sup> This represents a positive test rate of approximately 52%. ICE reports that, as of May 2, it has 28,865 people in its custody,<sup>vi</sup> meaning that approximately 6% of people in ICE custody have been tested for COVID-19. In public statements, ICE officials said they will acquire 2,000 test kits a month from the Department of Health and Human Services to screen people in ICE detention with final orders of removal.<sup>vii</sup>

Advocates and observers raise questions about how testing is prioritized and reported. For example, ICE has reported 49 confirmed COVID-19 cases at the Buffalo Federal Detention center in **Batavia, New York** since FFI's last COVID-19 update, published on April 29,<sup>viii</sup> raising questions about if testing was halted at the facility, or if additional positive cases are not reflected in ICE's official COVID-19 reporting. According to a May 7 press report, one person held at Batavia has tested positive for COVID-19 and has been denied release, despite having an underlying medical condition leaving him vulnerable to severe medical complications or death.<sup>ix</sup> In contrast, ICE's reporting on positive COVID-10 cases in the Otay Mesa Detention Facility in **San Diego, California** is updated on a near-daily basis.

Persons in ICE detention continue to raise concerns that the actual number of COVID-19 cases is much higher than what is publicly reported due to lack of access to testing. For example, on May 7, a person reported via FFI's National Detention Hotline that their brother tested positive for COVID-19 soon after being released from the LaSalle ICE Processing Center in **Jena, Louisiana** while symptomatic and that he had not had an opportunity to receive a test while in detention.<sup>x</sup>

## *Deaths*

On May 6, ICE confirmed that Carlos Ernesto Escobar Mejia had died of COVID-19.<sup>xi</sup> Mejia, a 40+ year resident U.S. resident of El Salvadoran origin, had been transferred to a hospital after being detained at Otay Mesa Detention Facility in **San Diego, California**. Mejia had applied for and been denied bond on April 15.<sup>xii</sup> According to statements from Mejia's family, the presiding judge denied Mejia bond out of concerns that he posed a "flight risk" due to a domestic violence charge from the 1990s, of which Mejia had been acquitted.<sup>xiii</sup> On May 13, the *San Francisco Chronicle* published excerpts from a letter written by more than 40 men detained at Otay Mesa. In the letter, the men attributed Mejia's death to negligence by facility staff and overcrowded and unhygienic conditions.<sup>xiv</sup>

Family members reported that Óscar López Acosta died of complications from COVID-19 on May 10.<sup>xv</sup> López, a long time U.S. resident of Honduran origin, was released from the Morrow County Jail in **Gilead, Ohio** after potential exposure to COVID-19.<sup>xvi</sup> ICE

did not test López before releasing him. López's family states that his health rapidly deteriorated after his release.<sup>xvii</sup> He was hospitalized for nearly a week, and died two days after being discharged.<sup>xviii</sup> He was a father of three. In a statement to *Mother Jones*, an attorney at the immigration law firm who represented López reported that ICE contacted her on May 12 to discuss his case.<sup>xix</sup> The attorney stated that, during the call, the official did not refute that López contacted COVID-19 in detention.<sup>xx</sup>

On April 29, *Mother Jones* reported that the coroner's office in **Ouachita Parish, Louisiana** confirmed that two guards at the Richwood Correctional Center in **Monroe, Louisiana** had died, while awaiting the results of COVID-19 testing.<sup>xxi</sup> In social media posts, the two men's colleagues and family attributed the cause of death to COVID-19 and blamed the facility for not supplying proper PPE or allowing them to take appropriate precautions for their safety.<sup>xxii</sup> In response to these deaths and rapid spike in reported cases of COVID-19 at the Richwood Correctional Center, Louisiana state legislators are calling for state and federal investigations into the facility.<sup>xxiii</sup> Private prison company LaSalle Corrections runs the Richwood Correctional Center.<sup>xxiv</sup> In a press statement, an employee at the Richwood Correctional Center stated that employees fear for their lives because of relaxed standards and overworked staff.<sup>xxv</sup>

### *Transfers*

ICE continued to carry out transfers during this period, including to and between facilities with known positive cases of COVID-19. In some instances, ICE initiated transfers from facilities with high concentrations of COVID-19 positive cases to facilities with no known cases of COVID-19.

According to data obtained via partnership with Mobile Pathways,<sup>xxvi</sup> a nonprofit organization that uses mobile phone technology to provide free and accurate information to refugees, immigrants, and asylum seekers, FFI identified the following instances in which ICE transferred people to or from facilities with confirmed cases of COVID-19 between April 30 – May 12:

- One transfer from the Irwin County Detention Center in **Ocilla, Georgia** to an unknown location between May 2- May 4. At the time of the transfer, ICE had confirmed **two cases of COVID-19 at Irwin**. FFI and Mobile Pathways also documented two transfers from the Irwin to the Alamance County Detention Center in **Graham, North Carolina** between May 6 –May 7. At the time of the transfer, **ICE had confirmed two cases at Irwin and no confirmed cases at Alamance**.
- One transfer from the Florence Correctional Center in **Florence, Arizona** to the San Luis Regional Detention Center in **San Luis, Arizona** between May 2- May 4. At the time of the transfer, ICE had confirmed **ten cases of COVID-19 at Florence**, with no publicly confirmed cases at San Luis.



- One transfer from the Krome Service Processing Center in **Miami, Florida** to an unknown location between May 2 – May 4. At the time of the transfer, ICE had confirmed **nine cases of COVID-19 at Krome**.
- One transfer from the Adelanto ICE Processing Center in **Adelanto, California** to the LaSalle ICE Processing Center in **Jena, Louisiana** on May 5. At the time of the transfer, ICE had confirmed **ten cases of COVID-19 at LaSalle** and none at Adelanto. As of May 14, ICE reports one confirmed case among its staff assigned to Adelanto.
- One transfer from the Otero County Processing Center in **Chaparral, New Mexico** to the LaSalle ICE Processing Center in **Jena, Louisiana** on May 5, 2020. At the time of the transfer, ICE had confirmed **ten cases of COVID-19 at both facilities**.
- Three transfers from the Broward County Transitional Center in **Pompano Beach, Florida** to the Krome Service Processing Center in **Miami, Florida** between May 6 – May 7. At the time of the transfers, ICE had confirmed **one case of COVID-19 at Broward and ten at Krome**.
- One transfer from the El Paso Service Processing Center in **El Paso, Texas** to the Torrance County Detention Facility in **Estancia, New Mexico** between May 8 - May 11. At the time of the transfer, ICE had confirmed **eight COVID-19 cases at El Paso** and zero at Torrance. As of May 14, ICE reports one case of COVID-19 at Torrance.<sup>xxvii</sup>

In some instances, ICE initiated transfers to comply with court orders mandating that ICE reduce detention levels in specific facilities, instead of releasing people into community-based alternatives to detention, as recommended by public health experts. On April 30, a federal judge ruled that ICE must reduce its detention levels at the Broward Transitional Center in **Pompano Beach, Florida** the Krome Detention Center in **Miami, Florida** and the Glades County Detention Center in **Moore Haven, Florida** by 75% in order to mitigate against the threat of COVID-19.<sup>xxviii</sup> On May 5, the *Miami Herald* reported that ICE has transferred at least 200 of the people in its custody at these three facilities as a means of complying with the April 30 court order.<sup>xxix</sup> These people were transferred to the Baker County Detention Center in **Macclenny, Florida**, the Folkston ICE Processing Center in **Folkston, Georgia**, and the Pine Prairie ICE Processing Center in **Pine Prairie, Louisiana**, among others.<sup>xxx</sup> Advocates express concern that these transfers simply served to facilitate additional overcrowding, and that none of these facilities receiving transfers from southern Florida have low enough population levels to absorb incoming transfers at a level that would enable social distancing.<sup>xxxi</sup>

Advocates in regular contact with people detained at ICE jails in southern Florida reported on abuses and medical neglect during the transfer process:

- On May 4, advocates with Friends of Miami Dade Detainees (FOMDD) reported that officials at Glades County Detention Center in **Moore Haven, Florida** transferred groups of people to the Baker County Detention Center in **Macclenny, Florida**. FOMDD reported that people detained at Glades stated that approximately 20 people refused to board buses during the transfer process and that facility officials pepper-sprayed them in response.
- On May 11, advocates with FOMDD reported that people detained at the Glades County Detention Center in **Moore Haven, Florida** had been transferred to detention centers in **north Florida, Louisiana, and Texas**. Advocates with FOMDD also reported that one man with severe health issues requiring use of a wheelchair was transferred from the Krome Detention Center in **Miami, Florida** to the Baker County Detention Center in **Macclenny, Florida** without his wheelchair, requiring him to pull himself on the ground by his hands.

### *Quarantines and Cohorting*

FFI continued to document instances in which ICE's implementation of medical isolation protocols places people at risk of contracting COVID-19 and/or had an adverse impact on the ability of facilities to provide other essential services. These examples include:

- On May 11, advocates with FOMDD reported that the Krome Service Processing Center in **Miami, Florida** does not have sufficient space to isolate everyone in detention who is exhibiting COVID-19 symptoms. People in detention reported that, as a result, facility staff had begun using space in the mental health unit, causing people housed in the mental health unit for non-COVID-19 related reasons to be housed with the general population.
- On April 29, an advocate reported via FFI's National Detention Hotline that at least twenty people at the Morrow County Detention Facility in **Gilead, Ohio** had been isolated into a "sick pod."<sup>xxxii</sup> The advocate reported that some of these people had tested positive, while others had not tested positive but showed symptoms, raising the risk that those who had not already contracted COVID-19 would become infected while detained in the "sick pod."
- On May 1, a person detained at the Stewart Detention Center in **Lumpkin, Georgia** reported that they had been placed in isolation along with other individuals who had underlying medical conditions rendering them particularly vulnerable to COVID-19, including diabetes and asthma.<sup>xxxiii</sup> The person reported that meal times in isolation are not fixed, and that, at times, facility staff bring people in medical isolation to eat with the general population and, at other times, direct them to eat in their cells.

- On May 4, a person detained at the Pine Prairie ICE Processing Center in **Pine Prairie, Louisiana** reported that they were placed in solitary confinement after reporting a decline in health and received news eight days later that they had tested positive for COVID-19.<sup>xxxiv</sup> The person reported that, while in solitary confinement, they had been given one bar of soap and denied access to a shower during a six-day period.

## Deportations

On May 5, advocacy group Witness at the Border released a report regarding deportations during the COVID-19 pandemic.<sup>xxxv</sup> The report found that ICE Air flew 300 deportation flights between January 1–April 30, 2020. Of these, 176 were flown from January 1 – March 3; and 124 were flown from March 4 – April 30.<sup>xxxvi</sup> Witness at the Border attributed this reduction in flight volume during the COVID-19 pandemic to resistance from governments in Central America to receiving deportation flights, and not as a result of internal ICE initiatives or concerns about potentially spreading COVID-19 outside of the United States.<sup>xxxvii</sup> Witness at the Border found that approximately 50% of deportation flights that occurred between March 4 – April 30 departed from **Alexandria, Louisiana** (19% of flights) and 31% departed from **Brownsville, Texas**.<sup>xxxviii</sup> As of May 13, ICE reports that 15 of its staff assigned to the Alexandria Staging Facility in Alexandria, Louisiana have tested positive for COVID-19, unchanged from April 29.

On May 10, advocates with the Institute for Justice and Democracy in Haiti reported that a deportation flight scheduled for that day included five people (out of 100 total) who had recently tested positive for COVID-19.<sup>xxxix</sup> In a press statement, a man detained at the Pine Prairie Detention Center in **Pine Prairie, Louisiana**, said that he had tested positive for COVID-19 on April 17.<sup>xl</sup> Although he had not been re-tested, he was still scheduled to be deported on the May 10 flight.<sup>xli</sup> ICE proceeded with the scheduled deportation flight on May 10.<sup>xlii</sup> However, the flight ultimately included only 50 passengers, instead of the originally intended 100. None of those on the May 10 deportation flight had tested positive for COVID-19, according to the *Miami Herald*.<sup>xliii</sup>

In at least one instance, officials from countries receiving deportation flights reported that passengers on the flights tested positive for COVID-19 upon arrival, despite assurances from ICE that they had tested negative before departure. According to a May 7 *Associated Press* report, Guatemalan health officials randomly tested ten passengers aboard a deportation flight from the United States.<sup>xliv</sup> Of these ten passengers, one person tested positive for COVID-19.

## Releases

ICE states that it has identified and released more than 900 people in its custody who face a heightened risk of serious medical complications or death due to COVID-19 since March 1.<sup>xlv</sup> However, by ICE's own admission, the number of people currently in detention with heightened medical vulnerability to COVID-19 is much greater. According to a May 8 court filing obtained by a reporter at *CBS News*, ICE stated that it has identified an additional 4,409 immigrants in its custody with factors outlined by a federal judge in California that place them at increased risk of medical complications or death due to COVID-19.<sup>xlvi</sup> These factors include people in detention who are: over the age of 55, pregnant, or suffering from chronic medical conditions, such as cardiovascular and respiratory diseases, cancer, and HIV.<sup>xlvii</sup> According to the April 20 court order, ICE should use the results of this review to determine if the people identified can be released.<sup>xlviii</sup>

ICE continues to maintain that it cannot use its discretionary release authority to facilitate release for people subject to mandatory detention conditions, including as a result of criminal restrictions. On May 11, the American Immigration Council filed an amicus brief citing numerous examples in which ICE has facilitated the release from those in its custody subject to mandatory detention due to serious medical risks.<sup>xlix</sup>

Recently, ICE began reporting on the number of people it has released at the result of court orders. As of April 24, ICE reported that it has released 192 people in response to court orders.<sup>1</sup> During this period, advocates and litigators reported releases from ICE detention in areas subject to judicial orders to reduce detention levels that do not appear to be captured in any official trackers. These instances include:

- On May 8, advocates with the American Civil Liberties Union of Southern California reported that at least 15 women detained at the Mesa Verde Detention Facility in **Bakersfield, California** had been released into the care of their communities.<sup>li</sup> These releases followed an April 29 ruling that a federal judge ordered ICE to provide information, including medical conditions, about everyone in detention at Mesa Verde and the Yuba County jail in **Marysville, California**, in order for the judge to conduct bail hearings for everyone detained at those two facilities.<sup>lii</sup> Advocates with Centro Legal de la Raza attributed the releases both to the efforts of litigators, external pressure from advocates, and acts of peaceful protest organized by women inside.<sup>liii</sup> As of May 12, ICE's website reports only ten releases as a result of litigation from the San Francisco Field office.

- On May 8, the *San Diego Union-Tribune* reported that 65 medically vulnerable people had been released from the Otay Mesa Detention Facility in **San Diego, California**.<sup>liv</sup> These releases followed an April 30 ruling from a federal judge for ICE to release more than 50 medically vulnerable individuals detained at the facility.<sup>lv</sup> As of May 12, ICE's website does not report any releases as a result of litigation impacting the San Diego Field Office.

Advocates and service providers continued to report instances in which ICE failed to fulfill its obligation to facilitate connection to a viable transportation hub/and or to enable people transitioning from detention the opportunity to contact family or community members prior to release.

### **Conditions Inside ICE Detention**

#### *Medical Neglect and Violations of Public Health Protocols*

Between April 30 –May 12, **FFI received 38 calls to our National Detention Hotline regarding medical neglect in ICE detention**. Examples of medical neglect, as reported via the Hotline, and from advocates include:

- On May 1, a person detained at the Adelanto Detention Center in **Adelanto, California** reported that he had not received insulin to treat his diabetes for over three months.<sup>lvi</sup>
- On May 5, a person detained at the Imperial Regional Detention Facility in **Calexico, California** reported that another person in detention broke his hand and was sent to solitary confinement instead of receiving medical care.<sup>lvii</sup>
- On May 11, an advocate with FOMDD reported that at least two people detained at the Glades County Detention Center in **Moore Haven, Florida** had to borrow inhalers from other people to treat their asthma because they did not have access to their own inhalers.

FFI documented instances in which ICE and facility staff violated public health protocols, as well as reports from people in detention that they are unable to observe proper social distancing due to crowded conditions. Examples include:

- On April 29, a person detained at the Adelanto ICE Processing Center in **Adelanto, California** reported that staff was not wearing personal protective equipment (PPE) and that 15 people had been transferred into the facility without any screening.<sup>lviii</sup>

- On April 30, a person detained at the Imperial Regional Detention Facility in **Calexico, California** reported that facility staff was not checking detained people for symptoms and that not all guards are using PPE.<sup>lix</sup> The person also reported that there was no access to soap or hand sanitizer for an entire week and that facility staff had not posted public health educational material.
- On May 11, an advocate with Voces Unidas received a letter from a man detained at the Adams Correctional Center in **Natchez, Mississippi**. In the letter, the man stated that “little or no social distancing is being practiced as we are housed in close quarters of more than 100 detainees per dorm”

### *Shortages in essential supplies*

FFI documented widespread shortages of essential supplies, including personal protective equipment, soap, and sanitizer. Between April 30 – May 12, **FFI received 21 calls to our National Detention Hotline regarding insufficient quantities of soap, sanitizer, and personal hygiene supplies.** Examples of shortages in essential supplies, reported via FFI’s National Detention Hotline and from advocates include:

- On May 3, an advocate with Equal Voices Network, a visitation group in regular contact with people detained at the Port Isabel Detention Center in **Los Fresnos, Texas** said that people detained at the facility do not have access to personal protective equipment, which is only provided to facility officials. The same advocate reported that persons detained at Port Isabel are only receiving small amounts of soap and no antibacterial gel and that people in detention report sporadic implementation of quarantines, with some quarantines implemented in response to people in detention confirmed to have fevers but only lasting for a few days.
- On May 4, a person detained at Baker County Detention Center in **Macclenny, Florida** reported that they only had access to soap and toothpaste once a week, and in some cases were forced to pay.<sup>lx</sup>
- On May 8, a person detained at the Adelanto Service Processing Center in **Adelanto, California** reported that soap dispensaries are always empty and that people in detention are expected to clean using only water.<sup>lxi</sup>
- On May 12, a relative of a person detained at Torrance County Detention Facility in **Estancia, New Mexico** reported that detained people have to buy soap in the commissary, as the facility does not provide it for free.<sup>lxii</sup>
- On May 12, a person detained at the Imperial Regional Detention Facility in **Calexico, California** reported that bar soap can is only available for purchase.<sup>lxiii</sup>



In addition, FFI documented numerous instances in which persons in detention reported disruptions to food service. Examples include:

- On April 30, *The Nation* cited a report from a man detained at the Jefferson County Downtown Jail in **Beaumont, Texas** that facility officials serve breakfast at 3:30 a.m. in an effort to keep costs low.<sup>lxiv</sup>
- On May 7, a person detained at the Otay Mesa Detention Center in **San Diego, California** reported that since April 20th they have only received sandwiches every day, without any additional food.<sup>lxv</sup>
- On May 11, an advocate reported that persons detained at the Morrow County Detention Facility in **Gilead, Ohio** were served only cold meals.<sup>lxvi</sup>

### *Phone Access*

FFI documented uneven access to free phone services, including some reports of restrictions to phone access. This includes:

- On May 3, the previously referenced advocate with Equal Voices Visitation Group, a visitation group in regular contact with people detained at the Port Isabel Detention Center in **Los Fresnos, Texas** reported that one person detained at the facility received five minutes of free phone and video calls, while another person in detention reported receiving only free phone access; and a third person in detention reported being unaware that either service was available.
- On May 5, an advocate with FOMDD reported that limited, free phone access was unevenly available across ICE jails in **Florida**, with people detained at the Krome Service Processing center in **Miami** and the Broward Transitional Center in **Pompano Beach** able to access ten free calls of ten minutes each per week, while people detained at the Glades County Detention Center in **Moore Haven** and the Baker County Detention Center in **Macclenny** only able to access two calls of five minutes each per week.
- In a May 6 article in *Imprint*, a newsletter by and for people affected by immigration detention, an advocate with the Etowah Visitation Project reported that a person detained at the Etowah Detention Center in **Gadsden, Alabama** said he is only able to place collect calls, and that even these phones often don't work.<sup>lxvii</sup>

### *Retaliation and Abuse*

FFI documented numerous examples of abuse, including retaliation for internal organizing or refusal to comply with directives involving transfers or movement between sections of a facility due to fears of contracting COVID-19. Examples include:

- On April 30, a person detained at the Adelanto ICE Processing Center in **Adelanto, California** reported that they were sent to solitary confinement after raising concerns about positive COVID-19 cases at the facility and inability to practice proper social distancing.<sup>lxxviii</sup>
- People detained at the Bristol County House of Corrections in **Bristol, Massachusetts** reported that, on May 1, facility officials used pepper spray and unleashed dogs against people in detention.<sup>lxxix</sup> At least three people detained at the facility were hospitalized as a result of injuries sustained during the confrontation.<sup>lxxx</sup> Lawyers For Civil Rights, a legal group which represents parties to a class action lawsuit against ICE and the Bristol County Sheriff's office, stated that the incident occurred after persons in detention at Bristol refused to be transferred to the medical unit of the facility for the purposes of COVID-19 testing.<sup>lxxxi</sup> Lawyers For Civil Rights stated that individuals were “justifiably concerned that (transferring to the medical unit) would dangerously expose them to the risk of infection given the cross-contamination with many different individuals from all over the facility who come and go from the medical unit and with many shared surfaces.”<sup>lxxxii</sup> Although video footage of the use of force incident exists, Bristol County Sheriff Thomas Hodgson has refused to release it until the completion of an internal investigation.<sup>lxxxiii</sup> On May 6, Massachusetts Attorney General Maura Healey announced the launch of an investigation into the use of force incident.<sup>lxxxiv</sup>
- On May 5, a person detained at the Imperial Regional Detention Center in **Calexico, California**, reported that he was placed in solitary confinement for a month after sending a letter to California Governor Gavin Newsom and the American Civil Liberties Union and engaging in a hunger strike in protest of dangerous conditions at the facility.<sup>lxxxv</sup>
- On May 12, a person detained at the Adams County Detention Center in **Natchez, Mississippi** reported that, approximately three weeks ago, men detained at the facility refused to return to their barracks after night count, in protest over lack of access to PPE.<sup>lxxxvi</sup> The person reported that, in response, staff in riot gear shot them with bean bag guns and deployed a sound grenade. The same person reported that they initiated a hunger strike from March 1-13, and that staff told him they would not forward legal correspondence to their family member unless he broke his strike.

FFI also documented an additional instance in which facility officials told people in detention were instructed to sign liability waivers:

- On May 6, an advocate with Advocate Visitors with Immigrants in Detention reported via FFI’s online reporting form that people detained at the El Paso Service Processing Center in **El Paso, Texas** are being asked by ICE to sign a waiver agreeing to stay six feet away from each other and to release ICE from any fault in the event that people contract COVID-19.

### Conclusion

The above examples of ICE’s response to COVID-19 are not an exhaustive list. More detailed information about specific facilities can be found on FFI’s [Detention Map](#), which is updated daily with information related to COVID-19. ICE fails to observe even basic public health protocols to mitigate against causing people inside their facilities to get the virus. At the same time, the agency falsely claims it lacks broad discretion to facilitate releases from detention and actively opposes court-mandated releases. In many cases, the agency willfully continues actions—including conducting transfers without any known screening or testing and dangerous “cohorting” practices—that will likely accelerate harm and put at risk the people who are in their custody while undermining public health efforts to ‘flatten the curve’ and preserve hospital capacity. As people inside their custody raise legitimate concerns and demands over their health, ICE and prison officials continue to respond with retaliation and abuse, meeting expressions of concern regarding the spread of COVID-19 inside detention with use of force. If detention levels are not immediately and dramatically reduced, virtually everyone in ICE detention—and those who work and come into contact with ICE facilities—will be exposed to COVID-19, to the immense harm of all of our communities. FFI continues to call on ICE to use all existing mechanisms at its disposal to release all those in its custody, including release on recognizance, parole, and into community-based post-release support programming.

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- <sup>vi</sup> <https://www.ice.gov/detention-management>
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- <sup>xi</sup> Morrissey, Kate. “First ICE detainee dies from COVID-19 after being hospitalized from Otay Mesa Detention Center.” San Diego Tribune. May 6, 2020. <https://www.sandiegouniontribune.com/news/immigration/story/2020-05-06/first-ice-detainee-dies-from-covid-19-after-being-hospitalized-from-otay-mesa-detention-center>
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- <sup>xviii</sup> Ibid.
- <sup>xix</sup> Ibid.
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- xxxii Call to Freedom for Immigrant’s National Detention Hotline. May 11, 2020.
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- xxxvi Note: President Trump declared a state of national emergency in response to COVID-19 on March 13, 2020. <https://www.fema.gov/news-release/2020/03/13/covid-19-emergency-declaration>
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- <sup>1</sup> <https://www.ice.gov/coronavirus#wcm-survey-target-id>
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- lvii Call to Freedom for Immigrant’s National Detention Hotline. May 5, 2020.
- lviii Call to Freedom for Immigrant’s National Detention Hotline. April 29, 2020.
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## **COVID-19 IN ICE CUSTODY**

### **Biweekly Analysis & Update**

*May 28, 2020*

Freedom for Immigrants (FFI) hosts an interactive detention map that includes real time mapping of Immigration and Custom Enforcement's (ICE) response to COVID-19. The map is populated with information drawn from news reports, publicly available databases, survey responses, and via reporting from visitation groups within FFI's umbrella network<sup>1</sup> and our National Detention Hotline.<sup>2</sup> We recognize the effort and risk that goes into documenting this information and appreciate all who contribute, most importantly those who have shared their experience while detained in the U.S. immigration system.

#### **Executive Summary**

Information included in this update was collected between May 15-May 28. Tragically, Immigration and Customs Enforcement (ICE) confirmed the deaths of two people in its custody - Santiago Baten-Oxlag and Choung Woong Ahn - during this time. The U.S. Marshals Service (USMS) confirmed the death of a third person - Alonzo Garza-Salazar- in a facility it shares with ICE. ICE's public reporting of confirmed COVID-19 cases increased by 384 during this time, with cases confirmed in an additional seven immigrant prisons. However, advocates and federal judges expressed serious concerns regarding lack of transparency in ICE's reporting, including questions regarding the integrity of its publicly reported data. Despite the well-documented link between transfers and deportations and the spread of COVID-19, ICE continued to carry out widespread deportations and transfers. In many cases, ICE transferred large numbers of people between or to facilities with known cases of COVID-19, and in several instances carried out deportations of people who had recently tested positive for COVID-19. In some cases, ICE chose to initiate dangerous transfers in response to judicial orders to reduce detention levels in specific facilities to enable social distancing. This practice is directly counter to recommendations from public health experts to reduce detention levels via release on parole, recognizance, and via community-based alternatives to detention programming. In several instances, ICE's transfer policy is directly tied to an increase in positive COVID-19 cases at specific facilities. In the limited instances that ICE complied with court mandated releases, advocates reported that the agency failed to provide people

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<sup>1</sup> Freedom for Immigrants coordinates a national network of detention visitation programs around the country focused on human rights monitoring, advocacy, and abolition. The network includes approximately 4500 volunteers who support people detained and their families in over 50 immigrant prisons and jails in nearly 30 states.

<sup>2</sup> The Freedom for Immigrants National Detention Hotline is a dedicated phone line where immigrants in ICE detention, as well as their loved ones or advocates, can reach FFI trained volunteers; in response to COVID-19, our volunteers now conduct a specialized intake designed to assess the readiness and efficacy of COVID-19 response measures in each ICE facility.

released from its custody with personal protective equipment (PPE), coordinate with local service providers, or facilitate post-release transportation, to the collective risk of the community. ICE continued to refuse to disclose the number of its third-party contractors who have tested positive for COVID-19 or to provide detailed information as to how it is prioritizing the administration of COVID-19 tests among people in its custody, leading to troubling lags and discrepancies in its reporting. Specifically, for sites with known active outbreaks, ICE did not report any new confirmed cases during this period while the cases at other sites soared. The current rate of positive results for tests administered by ICE stands at over 51 percent, meaning that where the agency decides to invest its testing capacity will heavily influence the confirmed cases it reports, resulting in troubling lags and discrepancies in its publicly reported data on COVID-19 cases within its facilities. FFI continued to document widespread medical neglect, shortages of essential supplies, and retaliation in response for internal organizing or even basic requests for information or expressions of concern over ICE's COVID-19 response.

### Spread of COVID-19 Inside Immigration Detention

#### *Reporting of Confirmed Cases*

As of May 28, ICE confirmed 1,327 positive cases of COVID-19 among people in its custody across 54 facilities. **This represents an increase of 384 cases and the addition of 9 new facilities since FFI's last update on May 14.** The highest concentration of reported positive cases is at the Otay Mesa Detention Center in **San Diego, California** (158 cases), followed by the Bluebonnet Detention Facility in **Anson, Texas** (116 cases), Winn Correctional Center in **Winnfield, Louisiana** (99 cases), and Otero County Processing Center in **Chaparral, New Mexico** (92 cases).

As of May 28, ICE reports 44 confirmed cases of COVID-19 among its staff assigned to detention facilities. This number is unchanged since FFI's last update on May 14. The highest concentration of confirmed COVID-19 cases among ICE staff assigned to detention facilities remains at the Otay Mesa Detention Center in **San Diego, California** (11 cases), and the Alexandria Staging Facility in **Alexandria, Louisiana** (15 cases).

ICE continued to refuse to publicly disclose the number of its third party contractors who had contracted COVID-19. The agency also continues to exclude from its reporting confirmed COVID-19 cases among people held in the custody of federal law enforcement co-located at its facilities.

Advocates and observers continued to raise concerns regarding apparent lags and discrepancies in ICE's public reporting. For example, ICE confirmed in a May 8 court filing that a person detained at the Northwest Detention Center in **Tacoma, Washington**, had tested positive for COVID-19.<sup>1</sup> However, ICE did not publicly confirm the first case of COVID-19 at the facility until May 18.

## *Testing*

As of May 28, ICE reports that it has tested 2,620 people in its custody for COVID-19. **This represents a positive test rate of approximately 50%.** ICE reports that, as of May 16, it has 26,680 people in its custody, meaning that only **approximately 10% of people in ICE custody have been tested for COVID-19.** Because the positive rate for testing within ICE custody is presently high, while the quantity of testing remains relatively low, the decisions the agency makes about how and where to focus its testing significantly influence the results of the agency's reporting of COVID-19 testing.

Specifically, FFI noted a discrepancy in the rate in which ICE updated its COVID-19 reporting in southern and northern states. From May 15 – May 28, FFI noted a significant and rapid increase in reported cases at the following facilities in southern states:

- Bluebonnet Detention Center in **Anson, Texas** (from 79 cases on May 15 to 116 cases on May 28)
- Houston Contract Detention Facility in **Houston, Texas** (from 24 confirmed cases on May 15 to 76 cases on May 28)
- Otero County Processing Center in **Chaparral, New Mexico** (from 38 confirmed cases on May 15 to 92 cases on May 28)
- La Palma Correctional Center in **Eloy, Arizona** (from 58 cases on May 15 to 75 cases on May 28)
- Winn Correctional Center in **Winnfield, Louisiana** (from 37 cases on May 15 to 99 cases on May 28)
- Broward Transitional Center in **Pompano Beach, Florida** (from 3 cases on May 15 to 19 cases on May 28)

In contrast, reported numbers of confirmed cases have remained unchanged for several facilities with high reported concentrations of COVID-19 in northern states for more than one month, including the Buffalo Federal Detention Facility in **Batavia, New York** (unchanged at 49 confirmed cases since April 22), the Elizabeth Detention Center in **Elizabeth, New Jersey** (unchanged at 18 confirmed cases since May 5), and the St Clair County Jail in **Port Huron, Michigan** (unchanged at 10 confirmed cases since May 11). If ICE were to have been conducting testing at any of these locations during this period—a fact which ICE refuses to disclose or make available to the public—then, based on the positive rate of ICE testing at facilities within the South, it could be assumed the number of confirmed cases at both locations would have risen to be four times higher during this period.

Advocates also note a lag between ICE's reporting on numbers of COVID-19 cases and reports on the number of tests it administers.<sup>2</sup> For example, on May 19, ICE updated its reported numbers of administered COVID-19 cases by 22. However, the agency updated numbers of confirmed COVID-19 cases by 72.

Federal judges have also expressed concern with the integrity of ICE's publicly reported testing data. For example, ICE provided a sample of its testing data from one of its

facilities in **Ohio** in response to a lawsuit brought forth the American Civil Liberties Union (ACLU) of Ohio. The presiding judge noted:

“ICE has provided the Court with 40 snapshots of temperature measurements ... Not only do none of these temperature readings indicate a fever, none was higher than 98.1 degrees. Eight were below 96 degrees, including one below 95 degrees, which is the clinical benchmark for hypothermia and requires immediate medical attention. . . . Respondents have no explanation for these low, and seemingly inaccurate, temperature readings, but they might be attributable to ICE’s usage of thermometers that expired in 2016.”(emphasis added)<sup>3</sup>

People in detention also report widespread instances in which people with obvious COVID-19 symptoms are not tested. For example, on May 22, a person detained at the Joe Corley Detention Facility in **Conroe, Texas** reported that several people in their cell had high fevers, shortness of breath, and body aches.<sup>4</sup> However, when facility medical staff came to conduct examinations, they refused to administer a COVID-19 test.

### *Quarantines and Cohorting*

FFI continued to document widespread use of “cohorting” – in which people exhibiting potential COVID-19 symptoms are grouped together, drastically raising the probability of COVID-19 transmission. In addition, FFI documented numerous instances in which solitary confinement was used as a means of medical isolation. In some instances, people placed in solitary confinement for the purposes of medical isolation are confined to their cells for 23 hours a day and denied access to essential services. Examples of the use of solitary confinement as a means of medical isolation during the COVID-19 pandemic include:

- On May 18, a person detained at the Adelanto ICE Processing Center in **Adelanto, California** reported that he was placed in solitary confinement as a means of medical isolation after returning to the Adelanto facility from a nearby hospital.<sup>5</sup> The person further reported that facility guards do not answer when he and others requested medical attention and stated that they were suffering from dizziness and panic attacks. People detained at Adelanto have also expressed fear of following doctor recommendations to seek outside medical care due to fears of being placed in solitary confinement.

### *Transfers*

ICE continued to transfer people between its facilities, including to and from facilities with large known concentrations of COVID-19. Advocates and people in detention continued to report lack of screening for COVID-19 symptoms during transfers between facilities and failure to implement the recommended 14-day medical isolation upon transfers from a facility with known or suspected cases of COVID-19. Advocates continued to report instances in which ICE initiated transfers to comply with court orders to reduce detention levels in specific facilities to enable social distancing, rather than release people from detention.

During a May 27 federal court hearing, ICE officials said they are not conducting tests on every person subject to transfers between facilities.<sup>6</sup> Instead, the agency is only administering tests to people who are actively displaying COVID-19 symptoms, a practice which the agency admits could have led to transfer of asymptomatic individuals positive who are COVID-19 positive.<sup>7</sup>

The May 27 hearing was held in connection to a lawsuit seeking release of people detained at three facilities in **southern Florida**: the Krome Processing Center in **Miami**; the Broward Transitional Center in **Pompano Beach**, and the Glades County Detention Center in **Moore Haven**. On April 30, a federal judge ruled that ICE must reduce its detention levels at all three facilities by 75% in order to mitigate against the threat of COVID-19.<sup>8</sup> On May 5, the *Miami Herald* reported that ICE has transferred at least 200 of the people in its custody out of these three facilities as a means of complying with the April 30 court order, rather than facilitating release on parole, recognizance, or into alternatives to detention programming.<sup>9</sup>

In some instances, transfers were directly linked to a rise in confirmed cases of COVID-19:

- According to a May 19 press report by the *Miami Herald*, confirmed cases of COVID-19 at the Broward Transitional Center in **Pompano Beach, Florida** leapt from three to 19 following transfer of 33 people from the Krome Service Processing Center in **Miami, Florida** to the Broward facility.<sup>10</sup> According to the *Miami Herald*, 16 people transferred from Krome tested positive for COVID-19 immediately after arriving at Broward.<sup>11</sup> Prior to these transfers, confirmed cases of COVID-19 at Krome exceeded those at Broward. After the transfers, confirmed cases of COVID-19 at Broward exceeded those at Krome.

By tracking individual A#s through ICE's Online Detainee Locator System, **FFI identified 51 instances in which ICE transferred people to or from facilities with confirmed cases of COVID-19 from May 12-26.**<sup>12</sup> In some instances, these transfers involved stops of several days at multiple facilities, further raising the risk of spreading COVID-19 through detention.



**Examples in which ICE transferred people from facilities with known cases of COVID-19 to facilities with no known cases of COVID-19 include:**

- Between May 6 and May 7, two people were transferred from the Irwin County Detention Center in **Ocilla, Georgia** (which had two confirmed cases of COVID-19 during that period) to the Alamance County Detention Center in **Graham, North Carolina** (which had zero confirmed cases). Between May 12 and May 18 these same two people were transferred from Alamance to the Stewart Detention Center in **Lumpkin, Georgia** (which had 16 confirmed cases of COVID-19 among people in detention and two confirmed cases among facility staff).
- Nine people were transferred from the Stewart Detention Center in **Lumpkin, Georgia** to the River Correctional Center in **Ferriday, Louisiana** from on May 18. At the time of the transfer, **ICE had confirmed 16 cases of COVID-19 among people detained at Stewart and zero confirmed cases at River.**
- One person was transferred from the Otay Mesa Detention Center in **San Diego, California** to the Jackson Parish Correctional Center in **Jonesboro, Louisiana** on May 21. At the time of the transfer, **ICE had confirmed 154 COVID-19 cases among people detained at Otay Mesa, with no confirmed cases at Jackson Parish.** Also On May 21, one person was transferred from the Stewart Detention Center in **Lumpkin, Georgia** (which had 16 confirmed cases) to the Jackson Parish facility.

FFI also documented additional transfers out of facilities in southern Florida subject to court order to reduce detention levels:

- Between May 12 and May 18, ten people were transferred from Broward Transitional Center in **Pompano Beach, Florida** (which had 19 confirmed cases of COVID-19 during that period) to the Stewart Detention Facility in **Lumpkin, Georgia** (which had 16 confirmed cases during that period).
- On May 15, eight people were transferred from Broward Transitional Center in **Pompano Beach, Florida** (which had 3 confirmed cases of COVID-19 at that period) to Stewart Detention Facility in **Lumpkin, Georgia** (which had 16 confirmed cases at that period).

FFI also documented three instances of “circular transfers” – in which people subjected to transfers are sent to multiple facilities, only to end up back where they started:

- On May 18, ICE transferred one person from the Stewart Detention Facility in **Lumpkin, Georgia** to the Broward Transitional Center in **Pompano Beach, Florida**. On May 22, ICE subsequently transferred this same person from Broward to River Correctional Facility in **Ferriday, Louisiana**. On May 26, ICE sent this same person from River back to Stewart again.
- On May 15, ICE transferred one person from the Broward Transitional Center in **Pompano Beach, Florida** to the Stewart Detention Center in **Lumpkin, Georgia**. On May 17, ICE sent this same person back to Broward from Stewart.

- On May 7, ICE transferred one person from the Broward Transitional Center in **Pompano Beach, Florida** to the Krome Service Processing Center in **Miami, Florida**. On May 17, ICE sent this same person from Krome back to Broward. On May 19, ICE sent this same person from Broward back to Krome again.

Finally, FFI documented four instances between May 6 and May 19 in which individuals' locations in ICE's Online Detainee Locator System were simply listed as "Call Field Office" for extended periods of time ranging from five to nine days while they were being transferred from one facility to another. Family members, attorneys, and advocates rely on the ICE Online Detainee Locator<sup>13</sup> to be able to find and support individuals in detention. When community members are unable to locate people in detention using the ICE Online Detainee Locator, they must place calls to general office lines. In many cases these calls are unanswered, causing additional stress and trauma for community members attempting to locate friends and loved ones.

In a May 25 statement to *Vice News*, Stephane Etienne, a man of Haitian origin held in ICE custody awaiting deportation, reported that he had been transferred eight times between five different facilities in three states over a six week period.<sup>14</sup> Etienne reported being unable to observe social distancing during transfers and crowded conditions on buses and planes. Etienne reported that his transfer route included stops in facilities with known cases of COVID-19, and that he eventually tested positive for the virus at the Pine Prairie Detention Center in **Pine Prairie, Louisiana**.

According to press reports, people with confirmed cases of COVID-19 were transferred from criminal detention to immigrant detention or were booked into ICE custody with COVID-19 symptoms:

- ICE transferred a person who had tested positive for COVID-19 from the Oregon Department of Corrections to the Northwest Detention Center in **Tacoma, Washington** on May 13, according to the *Seattle Times*.<sup>15</sup>
- According to a May 16 press report, a man detained at the Strafford County Correctional Facility in **Dover, New Hampshire** tested positive for COVID-19.<sup>16</sup> In a press statement, facility officials said that the man who tested positive had been recently transferred into the Dover facility by ICE and displayed COVID-19 symptoms upon arrival, including a fever.

## Deaths

On May 14, officials confirmed that Alonzo Garza-Salazar, a 56-year-old man of Mexican origin, died of complications from COVID-19 at the Joe Corley Detention Facility in **Conroe, Texas**.<sup>17</sup> Garza-Salazar was a long-time U.S. resident, father of four, and grandfather of seven. At the time of his death, Garza-Salazar was held in the custody of the U.S. Marshals Service (USMS). The Joe Corley facility holds people in the custody of both ICE and the USMS.

On May 17, Choung Woong Ahn, 74-year-old man of South Korean origin and long-time U.S. resident, died at the Mesa Verde ICE Processing Center in **Mesa Verde, California**.<sup>18</sup> ICE reported the cause of death to be apparent suicide.<sup>19</sup> At the time of his death, Ahn's lawyers had submitted three requests for release, the most recent of which was rejected on May 13. According to Ahn's family, he suffered from lung cancer, diabetes, hypertension, and a history of heart attacks.

On May 25, ICE confirmed the death of Santiago Baten-Oxlag.<sup>20</sup> Baten-Oxlag, a 34-old man of Guatemalan origin, died in ICE custody at a hospital in **Columbus, Georgia** after being transferred from the Stewart Detention Center in **Lumpkin, Georgia**. At the time of his death, Baten-Oxlag had been hospitalized since April 17.<sup>21</sup> According to an internal government report reviewed by *Buzzfeed News*, Baten-Oxlag's cause of death was complications due to COVID-19.<sup>22</sup>

Representatives of private prison company CoreCivic (formerly Corrections Corporation of America) confirmed that one of its employees assigned to the Elizabeth Contract Detention Center in **Elizabeth, New Jersey** died from complications due to COVID-19 the week of May 11.<sup>23</sup> CoreCivic confirmed that an additional 17 of its employees at the Elizabeth facility had tested positive for COVID-19.<sup>24</sup>

## **Deportations**

ICE continued to carry out deportations, despite concerns from public health experts and regional government officials that deportations are accelerating the global spread of COVID-19. On May 19, ICE officials confirmed in a comment to the Center for Economic and Policy Research that the agency had carried out 112 deportation flights to 13 countries during an eight-week period, beginning in early March.<sup>25</sup> 12 of these 13 countries were within the Latin American and Caribbean regions, with one additional deportation flight to Liberia confirmed.<sup>26</sup> According to a May 18 press report, ICE prepared to deport 161 people of Indian origin via a chartered flight, the majority of which are asylum seekers.<sup>27</sup>

Advocates and observers documented instances in which ICE carried out deportations of people who had recently tested positive for COVID-19, fueling concerns that deportations are contributing to the global spread of COVID-19.<sup>28</sup> Specific examples include:

- On May 26, an ICE Air charter plane carried out a deportation flight from the Alexandria Staging Facility in **Alexandria, Louisiana** to **Port au Prince**.<sup>29</sup> According to a researcher at the Center for Economic and Policy Research, 30 people were on board the flight, including eight who had tested positive COVID-19 in recent weeks.

- On May 19, a person detained at the Pine Prairie ICE Processing Center in **Pine Prairie, Louisiana** reported that people detained at the facility were being deported to Haiti despite testing positive for COVID-19.<sup>30</sup>

In at least one instance, **ICE deported a named plaintiff to a class action lawsuit calling for release of people from detention during the COVID-19 pandemic**, raising concerns that deportation is being used as a means of retaliation for internal organizing:

- On May 9, ICE deported Hector Garcia Mendoza to Mexico.<sup>31</sup> Mendoza is a named plaintiff in a class action lawsuit filed on May 15 calling for the release of everyone held at Elizabeth Contract Detention Center in **Elizabeth, New Jersey**.<sup>32</sup> Mendoza was deported hours after a judge ordered his deportation stopped.<sup>33</sup> As of May 27, advocates report that Mendoza's whereabouts have remained unknown for nine days.

### Releases

ICE continued to report on the number of people it has released as a result of a court order. As of May 21, ICE reports that it has released 372 people due to court orders, an increase of 180 since the publication of FFI's last update on May 14.

Advocates continue to report failure from ICE to ensure that people released from facilities with known cases of COVID-19 are provided with adequate personal protective equipment (PPE) and transportation to a viable transportation hub, even in cases where people leaving detention were known to be COVID-19 positive. Examples include:

- On May 15, officials at the Morrow County Jail in **Mount Gilead, Ohio** released 13 people as a result of litigation brought forth by the American Civil Liberties Union of Ohio. Advocates reported that facility staff did not alert community groups in advance to prepare transportation from the jail and, as a result, the men were released directly to the street with no PPE. Advocates also reported that, at the time of their release, all 13 men had tested positive for COVID-19. Advocates further reported inconsistencies in conditions of release mandated by judges, with some people released from the Morrow County jail allowed to self-quarantine in Air BnB accommodations, while others were directed to self-quarantine in hotels, and others were allowed to self-quarantine at home. All people released from the jail were required to pay for their own accommodations. The only post-release service available to the men released from the Morrow County jails came from volunteer groups, including the Ohio Immigrant Visitation Network (an FFI member who contributed to reporting provided here). One volunteer was forced to construct her own PPE out of a shower curtain and duct tape in order to minimize her personal risk as she picked up one person jail to provide them transportation in her personal vehicle and take them to shelter.

## Conditions Inside ICE Detention

### *Medical Neglect and Violations of Public Health Protocols*

FFI continued to document widespread medical neglect, including deferral of necessary medical procedures. **Between May 15-May 27, FFI received 27 calls regarding medical neglect via our National Detention Hotline.** Examples of medical neglect include:

- On May 18, a person detained at the IAH Secure Adult Detention Facility in **Livingston, TX** reported that, when they arrived at the facility, a doctor examined them and identified a clog in their right lung.<sup>34</sup> However, despite significant difficulties breathing, 16 documented cases of COVID-19 at the IAH facility, and requests to see a specialist, they have not received any follow up care.
- On May 20, a person detained at the Adelanto ICE Processing Center in **Adelanto, California** reported that they suffer from diabetes and noted a decrease in the frequency in which facility staff checked their sugar levels since the beginning of the COVID-19 pandemic. The same person reported that they requested an appointment with an external doctor due to difficulties breathing, but facility staff denied this request due to alleged operational constraints posted by COVID-19.<sup>35</sup>
- On May 20, a person detained at the Baker County Detention Center in **Macclenny, Florida** reported that facility staff were not providing detained people with facemasks, despite concerns regarding the spread of COVID-19 between ICE jails in Florida. The same person reported that facility staff only administers temperature checks in response to COVID-19 symptoms. The same person reported that in February, they had only received ibuprofen in response to presenting symptoms including chills, body aches, coughing up blood, and weakness.<sup>36</sup>
- On May 20, a person detained at the LaSalle Detention Facility in **Jena, Louisiana** reported that they have medical conditions making them vulnerable to serious complications or death from COVID-19.<sup>37</sup> The same person reported they received pain medication for their underlying conditions that did not work, and were told they would not be released from detention because they were sick. The person reported that they were given a mask and instructed to stay six feet away from others.

### *Shortages in essential supplies*

Freedom for Immigrants continued to document lack of access to essential supplies, including soap, personal hygiene products, and insufficient quantities of food. Examples include:

- On May 18, a person detained at the IAH Secure Adult Detention Facility in **Livingston, Texas** reported that people in detention are provided with limited personal hygiene products and not provided a toothbrush.<sup>38</sup> The same person reported insufficient quantities of food and prohibitively high prices of supplemental food available in the commissary.
- On May 18, advocates with Allies to End Detention reported continued lack of access to adequate cleaning supplies, lack of adequate masks and cleaning gloves at the Otay Mesa Detention Center in **San Diego, California**.<sup>39</sup>
- On May 19, a person detained at the Pine Prairie ICE Processing Center in **Pine Prairie, Louisiana** reported that people detained at the facility are forced to pay for soap since they cannot rely on the facility to reliably provide adequate quantities of soap.<sup>40</sup>
- On May 21, a person detained at the Adelanto ICE Processing Center in **Adelanto, California** reported a persistent lack of sanitary products, stating, “The lack of sanitary products has always been an issue, but it is getting worse. Shortages go on for over a week at times and we have to buy from the commissary.”<sup>41</sup>

### *Phone Access and Barriers to External Communication*

Freedom for Immigrants continued to document inconsistent access to phone services and barriers to external communication. In some instances, people in detention reported barriers to accessing information about the spread of COVID-19, or barriers to sharing information on detention conditions. Examples include:

- On May 19, a person detained at the Northwest Detention Center in **Tacoma, Washington** reported that Internet access at the facility has been restricted since January 2020, prohibiting people from conducting online searches about COVID-19.<sup>42</sup>
- On May 19, a person detained at the Pine Prairie ICE Processing Center in **Pine Prairie, Louisiana** reported that facility officials shut off phone and tablet access for a five-day period due to concerns that people would share information about facility conditions.<sup>43</sup>
- On May 20, a person detained at the IAH Secure Adult Detention Facility in **Livingston, Texas** reported that all calls – even those to FFI’s pro bono extension – drop after 15 minutes.<sup>44</sup>
- On May 20, a person detained at the Baker County Detention Center in **Macclenny, Florida** reported that the facility’s law library had closed after



implementation of medical isolation measures.<sup>45</sup> The same person reported that there is only one computer available for 600 people.

### *Internal Organizing*

Freedom for Immigrants documented widespread internal organizing protesting unhygienic conditions, medical neglect, and continued detention during the COVID-19 pandemic. Internal organizing included release of open letters<sup>46</sup>, petitions, open videos, and organized hunger strikes.<sup>47</sup> **Since the launch of FFI's COVID-19 map on April 2, FFI has documented 40 instances of internal organizing in ICE detention.**

### *Retaliation and Abuse*

FFI documented numerous instances of retaliation and abuse, including retaliation for internal organizing. In some instances, people in detention reported retaliation in response to requests for information or voicing of concerns.

- On May 19, a person detained at the Pine Prairie ICE Processing Center in **Pine Prairie, Louisiana** reported that people have been placed in solitary confinement if they report staff for not wearing masks.<sup>48</sup> A separate person detained at the facility reported that staff initiated a facility lock down in response to a hunger strike.<sup>49</sup> A separate person detained at the facility reported that all participants in a hunger strike were sent to solitary confinement for a week.<sup>50</sup>
- On May 20, a relative of a person detained at the Imperial Regional Detention Facility in **Calexico, California** reported that he spent 30 days in solitary confinement after raising concerns about the inability of people in detention to practice social distancing during the pandemic.<sup>51</sup>
- On May 21, Freedom for Immigrants and the Inland Coalition for Immigrant Justice filed a complaint with the Department of Homeland Security Office of Civil Rights and Civil Liberties (CRCL) regarding exposure of people detained at the Adelanto ICE Processing Center in **Adelanto, California** to toxic chemicals.<sup>52</sup> The complaint cited numerous reports from people detained at the Adelanto jail that disinfection spray used by staff is causing bloody noses, burning eyes, body aches, and headaches among people in detention. In at least one instance, a person detained at Adelanto reported coughing up blood after exposure to the disinfectant. According to reports from people in detention, the disinfectant – called HDQ Neutral – has warnings on the packaging for users to wear goggles and face shields when using in order to prevent against “irreversible eye damage and skin burns.” People detained at Adelanto report that facility staff spray the disinfectant indiscriminately, at regular intervals. Although facility staff wear protective equipment while using the chemical, people in detention are not given any PPE to protect themselves from the chemical. FFI and ICIJ expressed concern that introduction of the HDQ Neutral disinfectant to the facility could constitute retaliation. Adelanto officials began using HDQ Neutral following public reports



from advocates that Adelanto officials were only providing people in detention water to clean their living areas and common spaces.

### Conclusion

The above examples of ICE's response to COVID-19 are not an exhaustive list. More detailed information about specific facilities can be found on FFI's Detention Map<sup>3</sup>, which is updated daily with information related to COVID-19. ICE continues to demonstrate it is either incapable or blatantly unwilling of complying with public health guidance to mitigate against the spread of COVID-19, putting at risk both people in detention and broader communities. Conditions in detention remain dangerous and out of compliance with even basic detention standards. Abuse and retaliation for peaceful internal organizing is widespread. ICE continues to carry out wide spread inter-prison transfers and deportations to countries around the world, accelerating the domestic and global spread of COVID-19. Freedom for Immigrants continues to call on ICE to use all means at its disposal to release people in its custody, including release on recognizance, parole, and community-based alternatives to detention programming.

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<sup>3</sup> <https://www.freedomforimmigrants.org/map>

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- <sup>1</sup> Johnson, Gene. “Detainees sue; Northwest immigration jail has positive test.” The Hour. May 8, 2020. <https://www.thehour.com/news/article/First-positive-COVID-result-at-Northwest-15258082.php>
- <sup>2</sup> <https://twitter.com/tomjawetz/status/1262876339104821255?s=21>
- <sup>3</sup> Cho, Eunice. “ICE’s lack of transparency about COVID-19 in detention will cost lives.” American Civil Liberties Union. May 22, 2020. <https://www.aclu.org/news/immigrants-rights/ices-lack-of-transparency-about-covid-19-in-detention-will-cost-lives/>
- <sup>4</sup> Call to Freedom for Immigrants National Detention Hotline. May 22, 2020.
- <sup>5</sup> Call to Freedom for Immigrants National Detention Hotline. May 18, 2020.
- <sup>6</sup> Madan, Monique. “ICE admits to transferring detainees with COVID-19, says it can’t test everybody.” The Miami Herald. May 27, 2020. <https://www.miamiherald.com/news/local/immigration/article243031176.html>
- <sup>7</sup> Ibid.
- <sup>8</sup> “Federal judge orders ICE to release detainees at 3 Florida Facilities.” National Public Radio. May 1, 2020. <https://www.npr.org/sections/coronavirus-live-updates/2020/05/01/848681749/federal-judge-orders-ice-to-release-detainees-at-3-florida-facilities>
- <sup>9</sup> Madan, Monique O. “Instead of releasing detainees, ICE is transferring them to other detention centers.” Miami Herald. May 5, 2020. <https://www.miamiherald.com/news/local/immigration/article242485081.html>
- <sup>10</sup> Madan, Monique. “Coronavirus cases skyrocket at ICE detention center in Broward after transfer from Miami.” Miami Herald. May 19, 2020. <https://www.miamiherald.com/news/local/immigration/article242844451.html>
- <sup>11</sup> Ibid.
- <sup>12</sup> Freedom for Immigrants identified these transfers through data obtained via partnership with Mobile Pathways, a nonprofit organization that uses mobile phone technology to provide free and accurate information to refugees, immigrants, and asylum seekers. For more information on Mobile Pathways, see: <https://www.mobilepathways.org/>
- <sup>13</sup> <https://locator.ice.gov/odls/>
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- <sup>23</sup> Katz, Matt. “Lawyers for ICE Detainees at a New Jersey Facility: Free Them All.” Gothamist. May 15, 2020. <https://gothamist.com/news/lawyers-ice-detainees-new-jersey-facility-free-them-all>
- <sup>24</sup> Ibid.
- <sup>25</sup> Johnston, Jake. “ICE Confirms More than 100 Deportation Flights to 13 Countries in an Eight-Week Period.” Center for Economic and Policy Research. May 21, 2020. <https://cepr.net/ice-confirms-more-than-100-deportation-flights-to-13-countries-in-an-eight-week-period/>

<sup>26</sup> *J*bid.

<sup>27</sup> “United States to deport 161 Indian nationals this week.” *Hindustan Times*. May 18, 2020. <https://www.hindustantimes.com/world-news/united-states-to-deport-161-indian-nationals-this-week/story-5W0BrjdMWeltNfQa1srHBO.html>

<sup>28</sup> Blitzer, Johnathan. “The Trump administration’s deportation policy is spreading the coronavirus.” *The New Yorker*. May 13, 2020. <https://www.newyorker.com/news/daily-comment/the-trump-administrations-deportation-policy-is-spreading-the-coronavirus>

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<sup>35</sup> Call to Freedom for Immigrants National Detention Hotline. May 20, 2020.

<sup>36</sup> Call to Freedom for Immigrants National Detention Hotline. May 20, 2020.

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<sup>41</sup> Call to Freedom for Immigrants National Detention Hotline. May 21, 2020.

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<sup>49</sup> Call to Freedom for Immigrants National Detention Hotline. May 19, 2020.

<sup>50</sup> Call to Freedom for Immigrants National Detention Hotline. May 26, 2020.

<sup>51</sup> Call to Freedom for Immigrants National Detention Hotline. May 20, 2020.

<sup>52</sup> CRCL complaint is accessible via

<https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/5ecd29d03bbee218edf9a67d/1590503888290/Toxic+Exposure+of+People+in+ICE+Detention+at+Adelanto+to+Hazardous+Chemicals.pdf>