

## **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 2% 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-It-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 Immigrants' 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

<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.