



March 17, 2020

David Jennings
Acting Field Office Director
Immigration and Customs Enforcement, Enforcement and Removal Operations
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San Francisco, CA 94111
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Nathan Allen
Warden
Mesa Verde ICE Processing Center
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Bakersfield, CA 93301
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Wendell Anderson
Sheriff
Yuba County Jail
720 Yuba St
Marysville, CA 95901

Re: Protecting people in ICE detention from COVID-19

Dear Field Office Director Jennings, Warden Allen and Sheriff Anderson,

We write to voice our concern about the impending spread of the new coronavirus (COVID-19) and Immigration and Customs Enforcement's (ICE) response to this crisis. Given ICE's woeful history of addressing pandemics in its detention facilities, and the lack of clear planning to address COVID-19, we fear for the health and well-being of our clients and others in detention. **We urge ICE to use its discretion to order the immediate release of all immigrants detained in Northern California and the Central Valley to their families and communities.**

Public health agencies around the world are sounding the alarm about COVID-19's impact as the number of cases in the country rises. Those detained in close quarters are particularly susceptible to contracting and rapidly spreading this highly contagious virus.¹ We know from experience that

¹ See NPR, "Prisons and Jails Worry about Becoming Coronavirus 'Incubators'" (March 13, 2020), available at:

medical care at local ICE facilities is inadequate, and that proper measures have not been taken to ensure the safety of detained people, facility staff, and advocates and other visitors to the Mesa Verde Detention Facility (“MVDF”) and the Yuba County Jail during this outbreak.

Medical professionals recommend strict social distancing as a crucial measure for avoiding transmission, but this is impossible to implement in a detention facility. At MVDF, for example, individuals sleep in massive dormitories with dozens of others. Previously, these close quarters have allowed outbreaks of mumps, scabies, and other highly contagious diseases spread aggressively in immigration detention facilities, including in GEO Group-operated facilities in California. MVDF detainees also have reported that they are still required to have meals in common spaces with dozens of individuals, mere inches from their fellow detainees. Medical professionals also stress that personal hygiene practices are crucial to slowing the spread of the virus. However, individuals at Yuba County Jail report that they have not been provided any hygiene products, and that they have to pay for soap if they want it. A MVDF official recently informed advocates that hand sanitizer and sanitizing wipes are not allowed into the facility, and the visitation spaces lack handwashing stations.

Because ICE cannot guarantee the health and safety of detained people, ICE must use its discretion to release all individuals at MVDF and Yuba County Jail. To start, ICE must grant the release of people who are at high risk of serious illness if they are infected.²

According to the CDC, the high risk category includes people 60 and older, those with underlying health conditions including heart disease, lung disease, or diabetes, people who have weakened immune systems, and people who are pregnant.³

In the interim, we also demand that ICE take the following measures to ensure the safety and well being of the entire community:

- **Provision of hygiene supplies:** The most basic aspect of infection control is hygiene. All people in your custody should have ready access to warm water and adequate hygiene supplies, both for handwashing and for cleaning, free of charge.
- **Screening, testing of the people in your custody:** Screening and testing are also crucial to mitigating the impacts of this outbreak. ICE facilities must screen and test those in custody, using the best tools and methods available.
- **Off-site quarantining and treatment of the people in your custody:** In the event that a person in ICE custody does test positive for the virus, ICE should use their discretion to release that individual to prevent the spread of the virus and ensure proper care. At minimum, anyone who tests positive should be quarantined and treated *at a hospital*, not in ICE detention.

<https://www.npr.org/2020/03/13/815002735/prisons-and-jails-worry-about-becoming-coronavirus-incubators>; Al Jazeera, “US prisons are woefully unequipped to deal with coronavirus” (March 12, 2020), available at:

<https://www.aljazeera.com/indepth/opinion/prisons-woefully-unequipped-deal-coronavirus-20200310075911589.html>.

² See 8 C.F.R. 212.5(b)(1)-(2) (providing for the release of people with “serious medical conditions in which continued detention would not be appropriate” and pregnant women).

³ Centers for Disease Control and Prevention, *Coronavirus Disease 2019 (COVID-19), People at Higher Risk and Special Populations* (Mar. 7, 2020), available at:

<https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/index.html>.

- **Access to family and community support:** People in ICE custody must have access to their families and advocates during this time. In the event that the facility does restrict visitation, all phone calls made by those who are incarcerated to their family members and loved ones should be free.
- **Suspension of in-person check ins:** In order to contain the spread of the virus, ICE should also minimize in-person contact with individuals who have been released from custody. In-person check-ins and meetings should be suspended until the virus is contained. (At least one ERO office, in Chicago, has already taken this measure.)
- **Suspension of local enforcement operations:** Last, ICE should halt all enforcement operations in Northern California. This would limit the number of people at high risk for infection in ICE facilities. In addition, ICE enforcement actions, especially at hospitals and health care centers, create fear and instability in immigrant communities and prevent people from seeking and obtaining medical treatment.

Given the urgency of this matter, we request that **ICE ERO respond to our concerns within 48 hours, and schedule a meeting between advocates and David Jennings, AFOD.** We look forward to your timely response.

Sincerely,

ACLU of Northern California
 African Advocacy Network
 Alameda County Public Defender
 Alianza Sacramento
 Arab Resource & Organizing Center (AROC)
 Asian Americans Advancing Justice - Asian Law Caucus
 Bay Area Asylum Support Coalition (BAASC)
 California Coalition for Women Prisoners
 California Collaborative for Immigrant Justice (CCIJ)
 California Immigrant Youth Justice Alliance (CIYJA)
 Campaign for Immigrant Detention Reform
 CARECEN SF
 Catholic Charities East Bay
 Catholic Charities San Francisco
 Center on Race Poverty & the Environment
 Centro Legal de la Raza
 Community Democracy Project
 Community Legal Services in East Palo Alto (CLSEPA)
 Community United Against Violence
 Detention Watch Network
 Dolores Huerta Foundation
 Dolores Street Community Services
 Education and Leadership Foundation
 Faith in the Valley

Freedom for Immigrants
Greenfield Walking Group
Hand in Hand: The Domestic Employers Network
Human Impact Partners (HIP)
Immigrant Legal Resource Center
Immigration Defense Advocates
Indivisible CA-7
Indivisible Sacramento
Inland Coalition for Immigrant Justice
Innovation Law Lab
Interfaith Movement for Human Integrity
Jakara Movement
Japanese Americans for Justice
La Raza Centro Legal
Latinos Unidos Por Educación
Law Office of Aubra Fletcher
Law Office of Cynthia Tyler
Law Office of Helen Lawrence
Law Office of Irma Perez
Lawyers' Committee for Civil Rights of the San Francisco Bay Area
Legal Aid at Work
Legal Services for Children
Marin County Office of the Public Defender
Maryann Hrichak
McGeorge Law School
Nikkei Resisters
NorCal Resist
Oasis Legal Services
Office of the San Francisco Public Defender
Opening Doors, Inc
Pangea Legal Services
Resilience Orange County
San Francisco Bay Area Day of Remembrance Committee
San Francisco Rapid Response Network
San Joaquin College of Law - New American Legal Clinic
San Jose Nikkei Resisters
Services, Immigrant Rights & Education Network (SIREN)
Tsuru for Solidarity
UFW Foundation
Visión y Compromiso