

Congress of the United States
Washington, DC 20515

May 11, 2020

Dear Acting Secretary Wolf,

As the COVID-19 pandemic spreads across the country, the men and women currently held in Immigration and Customs Enforcement (ICE) detention centers remain at great risk of exposure. It has been nearly two months since the Trump Administration declared a national emergency concerning COVID-19. Since then, we have seen the number of coronavirus cases in ICE detention exponentially increase every week and multiple outbreaks have been reported in detention facilities, including Otay Mesa, CA and Pearsall, TX and several others. Further, last week we saw the first COVID-19 related death in immigration custody. ICE detention centers are historically not equipped to provide adequate medical care. Unfortunately, many deaths that have occurred under DHS custody are related to a limited capacity to care for vulnerable and medically frail individuals and we are especially alarmed by the high number of deaths in ICE custody in Fiscal Year 2020. We view these deaths as not only tied to the lack of adequate medical care provided in ICE custody, but also to the deplorable conditions often found in ICE detention facilities.

Detention conditions do not allow detainees to observe safe social distancing guidelines, which, especially during a global health pandemic, increase the risk of accelerating transmission of the virus among detainees and facility staff. Currently, there are 606 confirmed COVID-19 cases among ICE detainees and 39 confirmed cases of ICE employees at detention centers^[1]. In fact, it was also recently reported that two guards at an immigration detention center in Louisiana died after contracting the coronavirus.^[2] Last week, ICE also confirmed the first COVID-19 related death in immigration custody. Multiple public health experts and doctors have called on ICE to take immediate steps to safely and swiftly reduce detention population numbers to help safeguard public health. Unfortunately, ICE has been slow to respond, and COVID-19 cases have continued to increase within detention centers. As a result, many ICE detainees have expressed concerns for their safety and well-being while in detention. Some have even attempted to peacefully protest ICE detention conditions amid the pandemic.

A recent altercation at the C. Carlos Carreiro Immigration Detention Center in Bristol County, Massachusetts highlights ongoing tensions in ICE detention and potentially excessive use of force amid the pandemic. We call on you to ensure all footage of this incident at Bristol County detention center is released publicly to help ascertain exactly what transpired. In addition, in order to protect public health, we strongly urge ICE to immediately develop and execute a policy, with the concurrence of the Office of Civil Rights and Civil Liberties, to reassess each person in their custody, on an individual basis, to determine whether they pose a threat to public safety; any individuals not meeting that criteria should be released on recognizance, parole, or with some level of supervision before conditions further deteriorate.

^[1] <https://www.ice.gov/coronavirus>

^[2] <https://www.nytimes.com/aponline/2020/04/29/us/ap-us-virus-outbreak-immigration-detention.html>

Conditions within ICE detention centers have long been severely inadequate. Unfortunately, the current COVID-19 crisis has only worsened these problems. ICE detention centers, many of which are chronically overcrowded and face severe shortages of medical resources and square footage, are uniquely susceptible to infectious diseases like COVID-19. Individuals held in detention with symptoms of COVID-19 have reported being denied necessary medical care; some have complained of being placed in solitary confinement; other have been ignored outright.

On May 1, an incident transpired between law enforcement officials and detainees at the C. Carreiro Immigration Detention Center in Bristol County over COVID-19 testing, resulting in a physical altercation between members of the correctional staff and detainees. While law enforcement officials who were present during the incident claim that detainees refused to obey orders to be transferred to the jail's medical facility to be tested for COVID-19, advocates assert they had legitimate fears of becoming exposed to the virus during the transport to the medical facility or were concerned that they were being placed into solitary confinement. Three detainees were taken to a hospital as a result. It is imperative that you ensure all surveillance footage of this incident is preserved and released publicly to help ensure accountability.

Unless urgent action is taken, these challenges promise to exacerbate. A recent study by researchers at a consortium of universities and research institutes found that 72 percent of individuals in ICE detention are expected to be infected with COVID-19 within 90 days under the optimistic scenario, while nearly 100% of individuals are expected to be infected within 90 days under the more pessimistic scenario^[3]. In addition, according to new modeling data by the Center for Disease Control and Prevention, the United States may experience 200,000 daily new cases of COVID-19 and 3,000 deaths by June 1. In order to protect the health of migrants during this unprecedented crisis and avoid overwhelming local medical facilities, we urge you to immediately safely and swiftly reduce ICE detention population numbers.

Thank you for your attention to this urgent matter.

Sincerely,

Joaquin Castro
Member of Congress

Joseph P. Kennedy, III
Member of Congress

Brenda L. Lawrence
Member of Congress

Albio Sires
Member of Congress

Alexandria Ocasio-Cortez
Member of Congress

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Debbie Mucarsel-Powell
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^[3] https://whistleblower.org/wp-content/uploads/2020/04/Irvine_JUH_ICE_COVID19_model.pdf

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