

## **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/>