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ACLU
Mississippi

May 17, 2021

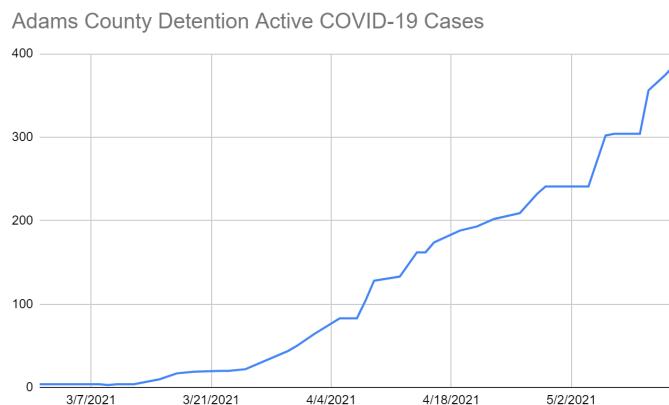
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CRCLCompliance@hq.dhs.gov

The Honorable Joseph V. Cuffari
DHS Inspector General
Office of Inspector General/Mail Stop 0305
Attn: Office of Investigations - Hotline
U.S. Department of Homeland Security
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dhs-oig.officepublicaffairs@oig.dhs.gov

Re: COVID-19 at Adams County Detention Center

Dear CRCL Officer Culliton-Gonzalez and DHS Inspector General Cuffari:

The New Orleans ICE Field Office is creating an emerging public health catastrophe at Adams County Detention Center (“ACDC”), and throughout the entire sub-region, in violation of the CDC and ICE’s own stated COVID-19 policies. As a result, immigrants detained inside and the community surrounding ACDC are experiencing the largest COVID-19 outbreak at any ICE detention facility in the country. On March 12, 2021, ICE reported 4 active COVID-19 cases at ACDC. On May 15, ICE reported 386 cases:



Detained immigrants inside report a multitude of unsafe conditions at ACDC. For example, ICE regularly flies close to 100 immigrants at a time from its various other facilities and detains them in holding rooms at full capacity in which social distancing is impossible. Despite the massive outbreak at ACDC, staff fails to provide detained people at ACDC with consistent access to soap and disinfecting supplies. Guards continue to refuse to wear masks and ICE has made no effort to vaccinate the incoming detained immigrants.¹ Though ICE has the power to release many of those detained at ACDC,² it instead chooses to regularly transfer detained immigrants from ACDC to other ICE detention centers after short stays at ACDC. The immigrants subject to outbound transfers are shackled, mixed with people from other detention units, and forced onto small buses for long journeys to other detention facilities in Louisiana and Alabama, thereby exacerbating the spread of COVID-19 to other detention facilities and communities.

These decisions by the New Orleans ICE Field Office to ramp up transfers and ignore even the most basic safety protocols are direct and egregious violations of ICE's Pandemic Response Requirements, which mandates that staff "wear PPE when encountering or interacting with any ICE detainee at a distance of less than six feet," ensure "sufficient stocks of hygiene supplies," and employ "social distancing strategies at all times." The Pandemic Response Requirements also mandate a discontinuation of transfers "unless necessary for medical evaluation, medical isolation/quarantine, clinical care, extenuating security concerns, release or removal, or to prevent overcrowding."³

ICE has been on notice of these failures since at least April 16, 2020, when immigrants inside ACDC filed the first of many federal lawsuits explaining how staff exacerbated the spread of COVID-19 and placed their lives at risk.⁴ Multiple national and local press outlets and the current mayor of Natchez, Mississippi, where ACDC is located, have also raised concerns about the lack of COVID-19 precautions taken by ICE and ACDC staff.⁵ Despite the alarms raised by detained immigrants and media, ICE has refused to act and therefore created a completely preventable public health crisis.

¹ ACDC offered vaccines to detained people in March of 2021, but transferred those detained people elsewhere and has not offered vaccines to new arrivals.

² See 8 C.F.R. § 212.5.

³ *COVID-19 Pandemic Response Requirements*, ICE Enforcement and Removal Operations, updated Mar. 16, 2021, <https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities.pdf>.

⁴ See e.g. Complaint, *Tamayo Espinoza v. Gillis*, No. 5:20-CV-106-DCB-MTP (S.D. Miss. Apr. 6, 2020); Complaint, *Gonzalez Morales v. Gillis*, No. 5:20-cv-181-DCB-MTP (S.D. Miss. Sep. 16, 2020).

⁵ See e.g. Scott Hawkins, *Mayoral candidate expresses virus concerns about prison*, Mar. 30, 2020, <https://www.natchezdemocrat.com/2020/03/30/mayoral-candidate-expresses-virus-concerns-about-prison/>; Alissa, Zhu, *Mississippi Rep. Bennie Thompson, advocates pressure ICE to release immigration detainees*, The Clarion Ledger, Apr. 3, 2020,

<https://www.clarionledger.com/story/news/2020/04/03/bennie-thompson-advocates-pressure-ice-release-detainees-mississippi/5116267002/>; Gaby del Valle and Jack Herrera, 'Like Petri Dishes for the Virus': ICE Detention Centers Threaten the Rural South, Politico, May 5, 2020,

<https://www.politico.com/news/magazine/2020/05/05/coronavirus-ice-detention-rural-communities-186688>; ACLU calls for shut down of Adams Co. Detention Center, WJTV, Apr. 28, 2021, <https://www.wjtv.com/news/local-news/aclu-calls-for-shut-down-of-adams-co-detention-center/>.

We urge CRCL and the Office of the Inspector General to immediately investigate the violations of Pandemic Response Requirements. Should you find that these allegations founded, we urge you to recommend the halt of interfacility transfers into and out of ACDC, the closure of ACDC,⁶ and the use of ICE's parole power to release those inside so that they can safely quarantine with their families. Thank you in advance for your attention to this urgent matter.

Sincerely,

Immigrant Alliance for Justice and Equity
Mississippi Immigrants Rights Alliance
El Pueblo
American Civil Liberties Union of Mississippi
Roderick and Solange MacArthur Justice Center
Mississippi Center for Justice
Southern Poverty Law Center
Mid-South Immigration Advocates
Home is Here NOLA
Immigration Services and Legal Advocacy
Louisiana Advocates for Immigrants in Detention
Freedom for Immigrants
Al Otro Lado
National Immigration Project of the National
Lawyers Guild
Center for Constitutional Rights

⁶ ACDC also has a long history of abuse and even the New Orleans ICE Field Office recommended against using ACDC as an ICE detention facility. *See e.g. Letter Secretary Mayorkas and Acting Director Johnson*, Member of Congress Jason Crow *et. al*, May 11, 2021, <https://crow.house.gov/sites/crow.house.gov/files/05.11.21%20-%20Letter%20to%20Secretary%20Mayorkas%20and%20Acting%20Director%20Johnson%20Regarding%20GAO%20Report%20on%20ICE%20Detention%20Contracts.pdf>; *ICE use of torture to coerce immigrants into signing immigration documents at Adams County Correctional Facility*, Freedom for Immigration, Oct. 8, 2020, <https://www.freedomforimmigrants.org/crcl/2020/10/8/re-immigration-and-customs-enforcement-officers-use-of-torture-to-coerce-immigrants-into-signing-immigration-documents-at-adams-county-correctional-facility.>