

DECLARATION OF HOMERO LÓPEZ, JR.

I declare under penalty of perjury pursuant to 28 USC §1746 that the foregoing is true and correct:

1. My name is Homero López, Jr. I am the Executive Director of Immigration Services and Legal Advocacy (ISLA), a nonprofit, legal services organization focused on providing pro bono direct representation to detained individuals in Louisiana.
2. I am an active member of the American Immigration Lawyers Association.
3. Over the past two years, ISLA has focused exclusively on handling a detained caseload with the majority of our cases arising out of the Pine Prairie ICE Processing Center (PPIPC) but also handling cases out of the many other detention centers which have opened up in the state. During this time, we have made weekly trips, oftentimes staying the night or making multiple trips in a week, to the detention centers and immigration courts to meet with clients and attend hearings.
4. At this moment, our office is representing clients who are detained at the PPIPC in Pine Prairie, Louisiana and the Winn Correctional Center (Winn) in Winnfield, Louisiana.
5. As a result of the COVID-19 outbreak in Louisiana, and the subsequent quarantines and changes in visitation policies by the detention centers, it has been nearly impossible to visit or communicate with our clients since March 17, 2020.
6. On March 17, 2020, we received calls from clients at PPIPC informing us that there were suspected cases of COVID-19 there and that an entire dorm had been quarantined. I followed up with the Executive Administrative Assistant at PPIPC, Ms. Tammy Fontenot, who confirmed that there were folks who were “cohorted,” the term the detention center uses regarding quarantines. As a result, in person, contact visitations were cancelled at PPIPC. While PPIPC does have access to video teleconference meetings for attorneys, those are limited to 30 minutes per client per day.
7. These video calls present many problems. First, there are only two visitation rooms, meaning that only two attorneys can be handling the calls at the same time. As such, scheduling the times can become very complicated as the facility staff needs to coordinate the various requests coming in and schedule them on a first come, first serve basis. This ends up creating conflicts with hearings, other meetings, family obligations, etc. which leads attorneys to have to sacrifice either the client meeting or their other obligations.
8. Second, while, in theory, there are 30 minutes per call, that’s not always the case in practice. Clients who are in segregation or in quarantine cannot be in the same room as those who are not. Therefore, if a two-hour time block is scheduled with four clients and one is in quarantine and one in segregation, the facility staff will first bring the two that are not segregated or quarantined, allowing them to go back to back. Then, those two will have to be returned to their dorms, the walkway and waiting room cleared, and then the

segregated client can be brought. After that call is over, the same process must take place before the quarantined client can be brought. These additional steps take time and that time is deducted from the 30 minutes allocated to that client's visit.

9. Third, not being in person with a client makes it nearly impossible to properly review and discuss documents. This is a result of the connection oftentimes being interrupted; either the video stops working, the call completely drops, the audio goes in and out, or all three. This mostly happens due to the remote, rural location of these facilities and the fact that internet service in those areas is not of the highest quality. That internet connection is worsened when the weather is bad, creating situations where the actual, real time amount of time spent with clients is closer to 10 minutes than the allocated 30.
10. As a result of these various issues, many attorneys oftentimes "stack" their video requests, requesting more clients than they actually need to visit with in order to use their left over time from these other clients for the ones they really need to prepare. While this may serve as a workable loophole at times, given that there are approximately 32 slots a day available (visitation is from 8AM-5PM with 30 minute slots and two available visitation rooms), this deprives other attorneys from being able to get a slot to prepare their clients as well.
11. On March 23, 2020, we received a memorandum from Mr. Keith Deville, Warden at Winn, informing attorneys that, as per ICE instructions, all attorneys must wear gloves and an N-95 mask when conducting visits. Given the nationwide shortage of such protective equipment, even for medical personnel, such a requirement has, in practice, created a ban on in-person attorney visits.
12. Since then, Pine Prairie's policy as to in-person legal visitation has changed repeatedly. Some days it is permitted and some days it is not. The only way to find out for sure is to walk up to the facility and look to see if there is a sign at the door about whether in person visitation is available that day. Given the lack of access to PPE, even when visitation is allowed, it is not in the interest of myself, my client, or the public health for me to conduct the visit in person. However, not visiting in person means I cannot get documents signed, thereby potentially harming my client's case.
13. As a result, it has become functionally impossible for us to obtain the medical records we need to prepare our clients' cases. We cannot get medical records without obtaining signatures from our clients, and ICE refuses to provide our clients with the releases to sign or us with a mechanism to retrieve the signed documents. This is an intolerable limitation on our ability to adequately represent our clients.
14. As of April 5, 2020, 5 men have died as a result of COVID-19 at the Oakdale Federal Institute. The facility has also become so overwhelmed by the virus, that officials have decided to stop testing for it. On April 3, 2020, ICE reported a confirmed case at Pine Prairie. That person was transferred from Oakdale Federal Institute on March 23, 2020. Further, on that same day ICE confirmed that two employees at the Alexandria Staging Facility, the main travel hub for immigrants being transported to or from Louisiana, had

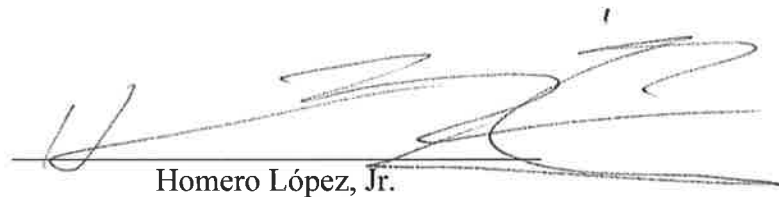
also tested positive for COVID-19. One of my clients at Pine Prairie is now COVID positive.

15. I have other clients in “cohorted” dorms in which movement to other parts of the facility is limited but not eliminated. My clients tell me that most dorms at Pine Prairie are now quarantined. Dorms are cohorted when a person from that dorm is taken out of the dorm because of their COVID-19 symptoms. Usually, no matter what the person’s symptoms are, they won’t be removed unless they have a fever over 100 degrees. One of my clients told me that a man in his dorm had a cough for a week and a half but was not tested or isolated because he did not yet have a fever. Even after the person is removed, the rest of the people in the dorm are left there together. There is no ability to socially distance in these dorms, which are mostly full, even though they have been exposed to a symptomatic person. My clients report that nothing has changed in regards to the orientation of or space between the beds, which are much less than six feet apart and mostly full. There has been no increase in cleaning supplies or frequency of cleaning.
16. Pine Prairie staff has been placing my clients at risk by not wiping town the terminals and seats when they have their legal skype calls with me. On April 21, 2020, for example, the guards mistakenly brought in one detained person from a cohorted dorm to the skype cubicle. After I told the guard that he was not my client, they took him out of the cubicle, then brought in my client, who was not in a cohorted dorm, without wiping down the area. I have emailed the warden twice about this unsafe practice, once before, and once after this incident, but he has neither responded nor resolved the issue.
17. Another area of concern is that ICE reports when employees or detained people test positive for COVID-19, but not their contractors. Pine Prairie is almost exclusively run by contractors from the GEO Group. I would assume that the guards are either sick or scared. My clients are telling me that many guards are not coming in.
18. Our clients are understandably fearful of contracting the disease as persons are being transferred into the facility from facilities with confirmed cases. This makes it incredibly difficult for us to meet with and represent our clients since going to facilities with confirmed cases, especially when travelling from the most affected area of the state, puts us, our clients, our families, and everyone with whom we come in contact at risk of infection.
19. Our clients are extremely worried about potentially becoming ill with the virus, in particular since various dorms have been quarantined at different facilities and they hear the news of the virus’s spread throughout the state.
20. Clients at Pine Prairie also expressed fears due to a lack of personal protective equipment. On April 19, 2020, guards told them that they needed to sign a document in order to be

provided with face masks. Because the document was in English and the detained people did not speak English and refused to sign the document without it being translated, the face masks were not distributed.

21. Further exacerbating the situation is that Pine Prairie does not have adequate infrastructure to properly contain and prevent the spread of the virus within, and outside, its walls, much less the required medical care to make sure that people who become infected will be well treated. This facility is located in isolated, remote areas of the state, approximately three to four hours radius from any major metropolitan area, making it difficult, or nearly impossible, to timely access the required medical care. With hospitals around the country already strained in the fight against the virus, detained individuals in rural areas are at the highest risk of being left untreated.

Executed on May 5, 2020.



Homero López, Jr.