

**DECLARATION OF LAURA G. RIVERA, ESQ.**

I, Laura G. Rivera, Esq., make this declaration on my personal knowledge and if called to testify, I could and would do so competently as follows:

1. I serve as the Director of the Southeast Immigrant Freedom Initiative of the Southern Poverty Law Center (“SIFI”). I have worked at SIFI since its launch in early 2017, serving variously as Deputy Director and Advocacy Attorney. I became the Director in September 2019.
2. SIFI provides *pro bono* representation to detained immigrants in proceedings before the Executive Office for Immigration Review, U.S. Immigration and Customs and Enforcement (“ICE”), and the Board of Immigration Appeals (“BIA”). SIFI focuses on seeking clients’ release from ICE custody. SIFI also represents some individuals in merits proceedings before EOIR and the BIA, and provides *pro se* support to some custody clients in their merits proceedings.
3. SIFI represents individuals confined inside the LaSalle ICE Processing Center (“LaSalle”) in Jena, Louisiana; the Pine Prairie ICE Processing Center (“Pine Prairie”) in Pine Prairie, Louisiana; the Irwin County Detention Center (“Irwin”) in Ocilla, Georgia; the Folkston ICE Processing Center (“Folkston”) in Folkston, Georgia; and the Stewart Detention Center (“Stewart”) in Lumpkin, Georgia. The facilities at issue in this litigation (LaSalle, Pine Prairie, Irwin, and Stewart) will hereinafter be referenced collectively as “the four facilities.”
4. Since the start of the COVID-19 outbreak, SIFI has started to represent a few medically vulnerable people confined under alarming conditions at Adams County Correctional Facility (“Adams”) in Natchez, Mississippi; South Louisiana ICE Processing Center (“Basile”) in Basile, Louisiana; and Winn Correctional Center (“Winn”) in Winnfield, Louisiana. SPLC has also partnered with Asian Americans Advancing Justice-Atlanta and Kilpatrick, Townsend, & Stockton LLP (hereinafter “Habeas Counsel,” referring to

counsel collectively) to represent medically vulnerable immigrants in habeas petitions at Stewart and Irwin.

5. Before SIFI's launch in 2017, the previous Director and I attempted to negotiate terms for legal access with CoreCivic managers at Stewart Detention Center. SIFI undertook similar efforts at the four facilities, without success.
6. SIFI's ability to communicate with our clients has been constrained from the very beginning. The constraints exist across every medium of communication: in-person visitation, video teleconference ("VTC") calls, phone calls, and mail. For example, in-person visits at Stewart, Irwin, and LaSalle do not allow contact between attorneys and clients, while at Pine Prairie, contact visits are the only form of in-person legal visitation. The number of visitation rooms are too few considering that hundreds of individuals in essentially a pre-trial posture are confined at each of the four facilities. Long wait times, limited hours, and time limits on visits have been commonplace at the four facilities. These are the conditions SIFI staff faced before the pandemic as they visited the four facilities. Each week, SIFI staff visited facilities two or three days, on average, conducting visitation with two dozen people or more, depending on the week.
7. SIFI has also made use of VTC and legal phone calls to communicate with clients, especially where staff requires interpreters for effective communication, because Stewart, Irwin, and Pine Prairie have not consistently allowed attorneys to call interpreters during in-person visitation, or provide a method that is workable in practice. For example, in the past few months, Stewart began allowing legal visitors to use a cell phone during in-person visits solely to call interpreters. In practice, however, this method is unworkable. Since Stewart only allows non-contact visits, the legal visitor must place the cell phone with the interpreter on the line up to the glass or the receiver of the facility phone, and the client often cannot hear it.
8. But these means of communications, too, are so limited that SIFI staff experience chronic delays in developing cases. For example, Stewart, has only two VTC consoles with VTC

calls limited to one hour, and, until last week, no process for confidential legal phone calls. Until recently, Pine Prairie had only one VTC console; each VTC call is limited to thirty minutes. Irwin requires two to three days' advanced notice to coordinate a VTC call. Similar or longer wait times are the norm at LaSalle and Stewart. (Collectively, legal phone calls and VTC are hereinafter referenced as "remote legal visit").

9. Mail has not proven to be a reliable method to exchange documents with clients. For example, at Stewart, where a single post office box number is shared by the court, ICE prosecutors, ICE Enforcement and Removal Operations agents, and people confined inside the detention center, mail sometimes does not reach its intended recipient. At Pine Prairie, detained individuals have reported that legal mail has been searched and evidence improperly confiscated as contraband. Delays in sending and receiving are the norm.
10. Taken together, these constraints lengthen the time it takes for SIFI staff to prepare a case, given the many steps involved in developing an application for release to EOIR or ICE. In a typical case, SIFI staff conduct a phone intake with a potential client via SIFI's free and confidential hotline. The intake may last from 30 minutes to more than an hour, depending on the caller's circumstances and whether an interpreter is necessary. SIFI staff then conduct a more in-depth screening with that individual. The screening usually takes place in-person unless the individual speaks a foreign language that SIFI staff do not speak. In those cases, the screening is conducted via VTC, and SIFI call an interpreter. While a typical screening without interpretation may take one to one-and-a-half hours, a screening through an interpreter may take twice as long.
11. If SIFI determines it may accept the case, staff again meet with the individual to explain SIFI's retainer, discuss the next steps in developing the case, and answer the client's questions. To prepare the client's bond motion or parole request, SIFI staff may speak with the client two or three more times, in-person or remotely. Eliciting relevant facts for the case usually takes several conversations, especially because most clients have experienced trauma on account of their detention, their migration journey, life experiences in their home countries or the United States, or any combination of those. In

such cases, SIFI staff, employing trauma-informed approaches to representation, may invest time building rapport with clients, spread triggering subject matter across conversations, and revisit difficult topics as clients recollect suppressed details.

12. Clients typically possess documentary evidence and case filings that are not otherwise available to SIFI staff, and because the mail is unreliable, staff generally have collected those documents in person. Documents that include sensitive material may be the client's only copy; in which case, the ability to take it from them in person, make a copy of it, and bring it back to them safely is invaluable. For similar reasons, SIFI staff have tended to obtain signatures from clients via in-person visits rather than by mail. Examples of typical documents exchanged include the G-28, Entry of Appearance before ICE, the ICE Privacy Waiver, authorizations for the release of medical records, ICE charging documents, and copies of identification documents and other records from clients' home countries. Facilities have allowed SIFI attorneys to fax authorizations for release of medical records and often subsequently receive the medical records from the facility via fax.
  
13. The outbreak of the novel coronavirus has heightened the urgency of release for clients confined in close quarters, as they and those around them contract the virus, face food shortages, and suffer violence in response to protesting for basic sustenance, hygiene supplies, and healthcare. Medically fragile clients especially need legal representatives now more than ever to advocate for their release from confinement, given Homeland Security medical experts' characterization of detention centers as a "tinderbox" for contagion, as well as a federal district court's finding that "[a]ny medically vulnerable individual in an ICE facility likely confronts an unreasonable risk of infection, severe illness, and death." *Faour Abdallah Fraihat, et al v. U.S. Immigration and Customs Enforcement, et al*, Case No. 5:19-cv-01546-JGB-SHK (C.D. Cal. Apr. 20, 2020), ECF No. 132.
  
14. The exponential rate of spread of COVID-19 inside ICE detention centers is evident even from ICE's public representations. ICE Guidance on Coronavirus,

<https://www.ice.gov/coronavirus>. As of May 6, 2020, ICE has confirmed the following cases of COVID-19 among the detained population at the four facilities:

- 11 detained people at LaSalle (on April 27, ICE had reported 20 cases at LaSalle (Exhibit C);
- 26 detained people at Pine Prairie;
- 2 detained people at Irwin;
- 11 detained people at Stewart and more than 40 staff. *See* Stephannie Stokes, More than 40 Employees at Ga. Immigration Detention Center Test Positive For COVID-19 (Apr. 28, 2020), <https://bit.ly/3f4zJfC>. At a hearing on April 10, 2020, almost one month ago, when the confirmed number of cases at Stewart was 5, Warden Washburn confirmed that there were 30 suspected cases of COVID19 among the detained population at Stewart and that they had only tested 9 in total.

15. At the same time, most of the EOIR courts where SIFI lawyers practice continue to press forward on their detained dockets as speedily as they had before the pandemic. With few interruptions, EOIR courts with jurisdiction over the four facilities—Stewart, Atlanta, LaSalle, and Oakdale—have set and held master calendar, individual, and bond hearings for detained respondents throughout the pandemic. The only exception I am aware of is in the Allen Parish Correctional Complex in Oberlin, Louisiana, where a detained individual’s relative reported that court proceedings are stalled until cameras are installed in the jail. This means people in ICE custody there have no recourse to a timely custody hearing.

16. The fast pace of EOIR’s detained docket means SIFI staff must act quickly to seek clients’ release before their final immigration court hearings. Yet SIFI’s ability to timely prepare cases is even more stymied since the COVID-19 outbreak, as ICE’s past practices, coupled with its current response, create unprecedented obstacles to communications with clients.

**SIFI's Representation of Detained Individuals in the Time of Coronavirus**

17. In early March, as reports of confirmed COVID-19 cases spread across the country, SIFI adopted guidelines for in-person client visits consistent with public health experts' advice. To reduce the risk of transmission between SIFI staff and clients, SIFI staff were required to follow certain safety precautions, and to limit in-person visits to certain circumstances. Staff were provided with and instructed to wear surgical masks and gloves during visits, and to use hand sanitizer after visits. Visits were authorized for retained clients only to obtain necessary signatures or time-sensitive documents, or to prepare clients for hearings.
  
18. In late March, ICE issued a conflicting sequence of statements on its website concerning the requirements for in-person legal visitation. These shifting requirements put SIFI in the position of scrambling for virtually nonexistent personal protective equipment for legal visitation against the admonition of public health experts to save N-95 masks for health care providers. On March 23, ICE posted a statement indicating that non-contact legal visitation would be permitted, and that visitors may be required to wear protective equipment. The next day, ICE posted new language indicating that all legal visitors would be required to wear "gloves, N-95 masks, and eye protection" (see March 24, 2020 guidance attached as Exhibit A). Then, in a letter dated April 3, 2020, ICE stated that, until further notice, "ICE will continue requiring attorneys to bring in their own PPE and undergo wellness screening should they decide to visit the facilities to minimize the risk of exposure to and/or spread of the virus." Attached as Exhibit B.
  
19. During the period that the N-95 requirement was in effect, SIFI's inability to source N-95 masks amid the national shortage virtually foreclosed compliance with this requirement. Thereafter, SIFI had the necessary personal protective equipment to fulfill the remaining requirements. However, SIFI's COVID-19 guidelines restricting in-person visitation came up against untenable delays to remote legal visitation. This put me in the difficult position of deciding between waiting days for remote legal visits to complete time-

sensitive client communications, or authorizing in-person visits by SIFI staff who could unknowingly expose clients to the virus or contract the virus themselves.

20. The combination of ICE's PPE requirements, local and state constraints on interpersonal interactions, including shelter-in-place orders, and the recorded COVID-19 outbreaks at the four facilities, has effectively paused in-person visitation to detention centers for the foreseeable future. All communications must now be conducted by VTC calls or phone calls. This means SIFI must now rely entirely on remote legal visitation to communicate with clients, a system that remains inadequate and has only worsened during this pandemic. SIFI staff have reported all of the following experiences to me.

**VTC Problems: Limited Consoles and Time Slots, Delays in Scheduling, Limited Duration of VTC Calls, Cancellations without Notice, and Other Irregularities**

21. Before the COVID-19 outbreak, the four facilities already had limited infrastructure for VTC calls, including limited computers and time slots. Since the COVID-19 outbreak, the spike in demand for these limited resources has far outpaced the facilities' capacity to provide adequate access to communications through VTC. And although ICE has promised to extend VTC days and hours of operation (Exhibit B), access remains limited by factors in ICE's control, like the number of computers connected to VTC and the staff available to schedule and initiate calls.
22. SIFI staff report delays relating to VTC requests at all four facilities, both in the time that it takes facility staff to send an initial response to the request, and in the number of days between the date of the request and the dates offered for VTC slot availability. These delays have persisted in the past month despite ICE's promises to provide extended hours for VTC. Exhibit B. There is no indication that these extensions have been fully applied. For example, for VTC slots on April 24 and April 27, SIFI attorneys at Stewart were offered the same hours that Stewart has always had – 9am to 3pm.

23. With respect to VTC delays, at LaSalle, SIFI staff have repeatedly had to wait four to six days between the date they request a VTC call and the date they complete the corresponding VTC call. On March 24, 2020, a SIFI legal worker requested VTC calls with five people inside LaSalle. While GEO Group staff did respond within minutes, it was only to say that no time slots were available for the next six days. The first available time slot was March 30, 2020 at 3 p.m. Central. Two of the detained people had engaged in a hunger strike for more than 140 days and had recently subjected to forced feeding via nasogastric tubes. The other three were medically fragile due to other conditions. The six-day delay happened again, on March 25, 2020, when the same SIFI legal worker requested another VTC call with another medically vulnerable client. GEO Group officials did not respond until the following day, saying the earliest available VTC slot was on Tuesday, March 31, 2020, at noon Central.

24. The SIFI legal worker was distressed to learn about the six-day delay because of the time-sensitive nature of her work and the harm of delay to her clients. All the clients she intended to visit were medically fragile. As such, they required immediate assistance in seeking release due to their increased vulnerability to serious illness or death should they contract COVID-19. The purpose of the calls with them was to gather evidence for humanitarian parole applications in light of COVID-19 vulnerabilities. Each day in delaying the preparation of the applications increased the risk that they would contract COVID-19 inside LaSalle. The harm from delays imposed by Defendants on SIFI's ability to prepare such applications for release is substantial and applies to all SIFI's detained clients. Instead of aiming to correct these delays, ICE has simply acknowledged their existence. (Exhibit B) (stating "upon initial investigation, LaSalle acknowledges that the six-day delay to set up video-conference (VTC) calls is likely accurate given the high demand to use Skype during the pandemic and the limited resources at the facility.") Moreover, despite ICE's promise to extend VTC hours, SIFI staff still report scheduling delays. On April 6, a SIFI attorney at LaSalle requested a VTC for the next day. She received a response on April 7, providing a slot on April 8. In addition, the quality of the VTCs at LaSalle continues to be so poor that the participants routinely cannot understand



each other. Because of this, some SIFI staff at LaSalle have moved exclusively to using legal phone calls.

25. In one incident at Stewart, CoreCivic staff set a weekly cap on the number of VTC calls that a SIFI attorney was permitted to have with the same client, harming her ability to adequately prepare her client for his individual hearing. On April 6, the SIFI attorney had a VTC call with her client to prepare for his final hearing. The SIFI attorney entered her appearance and planned to prepare with him for his final merits hearing, which was scheduled for April 10. Although she had two VTCs scheduled for Monday and Tuesday, she requested two more hours before the Friday hearing, explaining the situation and the amount of time that normally goes into preparing for a final asylum hearing. Because VTC calls are limited to one hour each, she requested two slots, both for April 9. CoreCivic staff quickly denied one of her two requests, saying two slots per week for one client was sufficient. She was finally scheduled for one more slot on Thursday, April 9, but that VTC was cancelled during a lockdown at the facility, denying counsel her final opportunity to speak to the client before the hearing. The SIFI attorney did not have the time she needed, in her assessment, to adequately prepare her client for his asylum hearing.
26. Understaffing may be playing a role in delayed responses to VTC requests, at least in some facilities. For example, on April 14, an officer at Pine Prairie told a SIFI attorney that the reason they had to reschedule the VTC appointment from the prior day was because the officer was on transport duty. Similarly, to SIFI's knowledge, one CoreCivic employee is responsible for coordinating the VTC program at Stewart. Even before the pandemic, SPLC staff requested VTC calls at Stewart on several occasions, but because the employee was out, SIFI did not receive a response until her return. In at least one instance, this resulted in a weeklong delay. In the past month, the same issue has occurred on at least two occasions.
27. At Irwin, delays in responses to VTC requests have grown longer since the COVID-19 outbreak. Where, before COVID-19, responses generally were made within 24 hours,

since COVID-19, it has been taking two to three days to schedule VTC calls, and sometimes staff completely miss an email or individual. For example, on April 21, a SIFI attorney requested VTC calls with four individuals in a single email. He did not receive a response, so the next day, he sent a follow-up email. On April 23, Irwin staff responded with an offer of available VTC slots for two individuals only. The next day, the SIFI attorney replied to ask about the remaining two. He got no response. Then, on April 27, he requested a VTC call with a different person, and that's when he received a response about the two forgotten individuals. One of those is a woman who was placed in solitary confinement because she participated in a video demonstration that has circulated widely in Spanish-language media and social media.

28. SIFI staff have also experienced cancellations without notice. This happened to a SIFI attorney on April 16, when he was unable to speak to one of four individuals inside Stewart with whom he had scheduled VTCs. All four individuals had disclosed COVID-19 vulnerabilities at intake, prompting the need for time-sensitive follow-up given the rise in COVID-19 cases at Stewart. The VTC calls were set back-to-back, starting at 12 p.m. CoreCivic staff did not call until 1 p.m. At that point, the VTC took place with the second individual he was scheduled to meet. No mention was made of the first individual he had been scheduled to speak with at 12 p.m. The SIFI attorney completed three interviews from 1 p.m. to 4 p.m., then asked the VTC coordinator about the missed call at 12 p.m. He did not receive a response, so SIFI staff again had to follow up. Eventually, the SIFI attorney was forced to reschedule the meeting with that individual for six days later, April 22.
29. Another example of a cancellation without notice occurred at Pine Prairie this month. On the afternoon of April 10, a SIFI attorney requested a VTC for a time-sensitive matter for Monday, April 13 at 4:30 p.m. She did not receive a response. So, on the morning of April 13, she followed up to ask if the call would be scheduled. She then received a confirmation that the facility "had her scheduled" for that afternoon. However, at the confirmed time, she did not receive any call, nor did she receive a response to her follow-up emails. She was forced to reschedule the VTC.

30. Confidentiality is especially an issue with VTC calls at Irwin and Pine Prairie.

Confidentiality is a bedrock principle of the attorney-client relationship and remains vital during COVID-19. SIFI staff must have recourse to confidential conversations with actual and potential clients if we are to ethically represent them. Without confidentiality, SIFI staff cannot ethically ask clients and potential clients to disclose potentially traumatic information that may constitute the grounds for their claim for relief. Detained individuals must have assurances that the personal information they disclose to SIFI staff is confidential if we are to build the rapport with clients that we need to elicit this sensitive information, whether it be about past domestic abuse, persecution, torture, threats, or other experiences. As well, in the time of COVID-19, as detained individuals' medical and mental health conditions become more and more relevant to their eligibility for release from custody, SIFI staff must have a guarantee of confidentiality as a pre-condition to eliciting personal medical information.

31. Pine Prairie does not provide spaces that allow for private and confidential VTC conversations. The VTC consoles sit in cubicles with thin walls that are not soundproof and do not reach to the ceiling. A SIFI attorney was conducting a VTC call with a client on April 7 when she received a text message from a fellow attorney that practices with ISLA- Immigration Services & Legal Advocacy. The attorney alerted her that they were conducting their own VTC with an individual at Pine Prairie and could clearly hear everything that the SIFI attorney and SIFI client were saying.

32. At Irwin, it is very common for employees to go in and out of the library room during VTCs. A SIFI attorney at Irwin states they have never seen their clients wearing gloves during VTC.

33. One other irregularity in access to VTC calls concerns facility staff failing to inform SIFI detained clients of incoming VTC calls from their attorneys. On March 13, a SIFI attorney had scheduled a VTC call with a client detained at Irwin. At the time of the VTC, Irwin employees told the SIFI attorney that the individual did not want to speak

with him. It was not until a rescheduled call days later that he was able to meet with the client, and the client stated that if he had known it was the SIFI attorney on the VTC, he would have certainly taken the call.

### **Legal Phone Calls**

34. To date, SIFI's primary mode of contact with confined individuals has been through a free and confidential hotline through which confined individuals may reach us. The hotline has typically been staffed by two full-time SIFI staff who operate the hotline Monday through Thursday of each week during business hours. Since March 16, 2020, in light of the COVID-19 pandemic, SPLC has closed its offices, and three SPLC employees have rotated staffing the hotline remotely on Mondays and Thursdays only. Additionally, the call center technology available to SIFI in its office is not available outside the office, such that SIFI may answer only one call at a time. Changes in staffing, technology, and hours of operation mean fewer callers are reaching SIFI via the hotline.
  
35. Historically, there have been issues of connectivity with calls made to the hotline. Most recently, SIFI hotline staff have reported issues with disturbance in calls made from multiple facilities. On Monday, April 27th, one of the two days the hotline was scheduled to be open for the week, making it near impossible to have a clear conversation with the caller. Additionally, there were also issues of calls dropping when trying to answer or soon after answering the call. To SIFI's knowledge, there is no designated point of contact at the various facilities, to whom they may troubleshoot questions or report quality issues on any given day.
  
36. The SIFI hotline was never intended to and did not operate as a channel for SIFI legal teams to develop actual clients' substantive claims, for several reasons. First, hotline callers lack privacy. Generally, they call the hotline from common areas inside their unit, open spaces with twenty to more than eighty other individuals. A client detained at Irwin reported that phone stations in their unit are about two to three feet apart. Second, since the COVID-19 outbreaks, callers who use these shared phones are exposed to the risk of

transmission of the virus because, according to clients, facility staff do not disinfect the telephones, and detained people lack sufficient hygienic products to do so themselves.

37. The physical dangers of in-person visits, the decreased volume of calls through SIFI's hotline, and the worsening access to VTC calls has pushed SIFI to resort to phone calls to fulfill our need to access actual and potential clients. There are two forms of phone calls at issue: free legal phone calls coordinated through facility staff and conducted in a private space ("facility legal calls"); and paid phone calls initiated by detained people through phones available in housing units and common areas ("paid detainee calls").

38. In a letter dated April 3, ICE stated that it would extend hours for facility legal calls at the four facilities. (Exhibit B). However, to SIFI's knowledge, there had never been a process to set up facility legal calls at Stewart or Pine Prairie. After multiple requests, a new process was set up at Stewart on April 24, 2020. At Pine Prairie, although officials have represented to SIFI that detained persons may request a facility legal call through their case manager, this does not occur in practice. To date, only one of SIFI's clients at Pine Prairie has been informed who their case manager is. And upon information and belief, the case managers at Pine Prairie only speak English, making communication with detained persons who do not speak English impossible. Furthermore, to SIFI's knowledge, none of their clients have been informed by their facilities of any process for requesting a facility legal call. One SIFI attorney who has been working with people detained at the facility since October 2018 states that no client of hers has ever been able to successfully request a facility legal call.

39. Even after ICE's April 3 letter, SIFI staff at Stewart who approached CoreCivic employees about facility legal calls reported that CoreCivic employees expressed confusion. CoreCivic employees said they were not aware of any mechanism for facility legal calls (Exhibit B). On April 14, a SIFI legal worker requested a facility legal call at Stewart. The VTC coordinator responded that she would pass along the message to the detained person and instructed the SIFI legal worker to wait for the message to be relayed and the caller to contact the SIFI attorney. When nothing happened, the SIFI legal worker

followed up with CoreCivic staff on April 17. Staff told her they had not been updated about the new policy on allowing legal calls and advised her to email the warden about it. A SIFI attorney emailed the warden that day. As of April 21, she had not gotten a response, so she followed up with him. On April 21, the warden replied to her, stating he would provide a clear process for scheduling legal calls by the end of the day.

40. As of April 23, the SIFI attorney had not gotten a response from the warden, so she wrote to him. She asked for clarification on procedures and requested a facility legal call with a detained person SIFI had been seeking to communicate with since April 6 without success. SIFI had placed a VTC call request to speak with him on April 6 and were assigned a VTC slot for April 10. But that VTC call did not occur; SIFI staff were told that he could not have a VTC because he was in quarantine. SIFI had made a further request for a facility legal call with this individual on April 16. Later, on April 23, the SIFI attorney wrote a second email requesting a legal call with a client whose family was concerned that they had not heard from him for several days.

41. On April 24, the SIFI attorney was confirmed for facility legal calls with both individuals. For the first call, the SIFI attorney was given a phone number to call at 10 a.m. She called the number and twice got voicemail. When she called a third time, a person answered and asked who she needed. About ten minutes later, her client spoke into the phone line and she was able to talk with him. The second call was scheduled for 12 noon. It did not happen at 12 noon, and when the attorney inquired, she was told she could do the call at 1 p.m. She called at 1 p.m. and was finally able to speak with the potential client.

42. In April, a client detained at Stewart told SIFI staff that for the preceding four days, he and about 100 others in his unit had been cut off from all communications, prohibited from leaving their rooms, and even denied the right to shower. He and others were told that they would not be allowed to make calls—including legal calls of any kind—and would only have the right to send letters. On April 27, someone in another unit reported

that his unit, too, had been put on lockdown and no one was being allowed to make any calls to their lawyers or families.

43. At LaSalle, facility legal calls suffer from frequent connectivity issues and problems dialing in third parties. SIFI often needs to dial in a third party, whether that is another SIFI attorney, expert, or an interpreter. On April 6, SIFI staff attempted to conference an additional party into the call and the line stopped functioning. When SIFI staff raised the issue to Geo Group staff, they stated this was likely because the detained client was attempting to use the receiver rather than take the call on speaker phone. On April 23 and April 25, a SIFI attorney had legal calls with clients, but the phone connectivity each time was very rough and the call itself kept breaking up. In the April 25 instance, the client tried to hang up and call using another phone, but the issues remained. Connectivity issues for legal calls at LaSalle are especially frustrating because, for example, one SIFI attorney only schedules legal calls due to LaSalle's extremely poor *VTC* quality.
44. Due to delays and confusion in setting up facility legal calls, SPLC has pivoted to provide alternate methods of communication, including setting up accounts to allow for collect calls made from detained individuals and charged to SIFI. SIFI did this by contacting telephone vendors directly. In mid-March, SIFI also contacted ICE to request that a list of SIFI cell phone numbers be placed on a do-not-monitor-or record list for paid calls. SIFI requested written assurances that calls to these numbers would not be monitored or recorded. While ICE did not provide any promises of confidentiality in writing, the agency did verbally confirm that calls would be confidential at three of the four facilities.
45. ICE's assurances concerning the privacy of paid calls do not apply to Irwin because this facility's phone vendor, Correct Solutions, does not have a contract with ICE. To obtain assurances of privacy for Irwin calls, SIFI staff spoke with the Irwin warden. He agreed to contact the vendor to request that certain phone numbers be placed on a do-not-monitor or record list. After that conversation, a SIFI attorney emailed the warden with a list of the telephone numbers. The warden asked for the names of the phone owners; SIFI declined to provide the names of its legal workers. As of May 5<sup>th</sup>, the Irwin warden had

not yet responded to SIFI's repeated requests for confirmation that calls made to these numbers are unmonitored.

46. Even if Correct Solutions and/or ICE were to confirm that collect calls to SIFI attorneys are not being monitored, these calls face the same confidentiality concerns as calls made to the SIFI hotline, as they are made in the unit on a shared telephone.
  
47. Several individuals detained at Irwin, Stewart, and LaSalle have reported to SIFI about the number of shared telephones in their units. Until April 14, one client detained at Irwin was in a unit that was at capacity – with 32 detained individuals in 2-person cells, and three telephones in the common area for all of them to share. On or about April 14, Irwin staff transferred some individuals to a different unit, in an attempt to disrupt a hunger strike. As of April 29, there were 16 individuals in the two-person cells. Another detained individual at Irwin reported that in their unit, which is an open dorm with 40-50 bunk beds, there are 6 to 7 telephones for everyone to share. At Stewart, one client reported on April 29 that their unit, which holds 92 people, has 9 telephones but only 7 that are working. Another individual at Stewart is in a pod with about 60 people and 8 shared telephones. On April 30, a client detained at LaSalle reported that there are 8 telephones in their unit that currently has about 56 individuals, but there have been up to 88 people at various points. On April 30, a client detained at Pine Prairie provided that his unit, while it currently has 45 people, has had up to 56-57 people in the past and all share eight telephones. These numbers are especially concerning given the accounts from our clients that they have not seen a change in the hygienic practices of the facilities, and the inability for individuals at these facilities to socially distance. SIFI attorneys are wary of these conditions and take into consideration that a client speaking to them on these shared telephones is surrounded by others in their unit – eating, waiting in line for the phone, entering and exiting the bathrooms. When SIFI attorneys must communicate with clients on the shared telephones, they are weighing the various factors that bear on confidentiality and safety/exposure to the virus.



48. Furthermore, ICE has still not fulfilled its obligation, according to its own COVID-19 guidance, to provide free calls. *See* ERO COVID-19 Pandemic Response Requirements (Version 1.0, April 10, 2020), at 13 <https://bit.ly/3fvn5Xw>. Rather, it seems that *some* facilities have provided limited free phone calls *on and off* over the past month, in a manner that is not entirely beneficial to our clients. For example, several times in the week of March 30, SIFI staff experienced calls with clients being cut off at five minutes. At the beginning of the call, they heard a voice stating, “this is a free call,” and then, at or around four minutes, it stated, “there is one minute left.” There did not appear to be an option for the client to not use those five free minutes for the call with the SIFI staff, which SIFI already pays for. Hence, on several occasions, clients have had to use the free five-minute call provided to them not for a call with a loved one, but rather for their call with SIFI staff. On April 29, 2020 a SIFI client confined at Pine Prairie told SIFI that the facility was providing detainees with three ten-minute long phone calls free of charge. These calls automatically end after ten minutes and, because clients cannot request a legal phone call, they must be made from phones in the facility dormitories that lack privacy and do not provide confidentiality. Similarly, the client did not have an option to not use those free calls for the call with the SIFI attorney and was forced to use two of his three free calls.

### **Mail and Document Exchange**

49. Disruptions to in-person visitation have forced SIFI to rely on the mail to exchange documents with actual and potential clients, revealing the systemic problems with the mail at the four facilities. The problems range from delays in sending, processing, and receiving to improper inspection and seizure of legal mail and confiscation of return envelopes with postage.

50. SIFI staff has been using the U.S. Postal Service and FedEx to send mail to detained people. SIFI provides pre-stamped or pre-metered envelopes for the recipient to return documents to SIFI. SIFI staff report inconsistent results with receipt of correspondence from people detained at Stewart, while SIFI LaSalle have been successful. Mailings appear to be periodically rejected regardless of the delivery service or the type of postage.

51. One result of mail problems is to unduly delay the exchange of documents necessary for SIFI staff to evaluate a potential client's legal claims, to obtain client authorization for the release of personal information, and to timely prepare EOIR and ICE filings, especially on behalf of clients medically vulnerable to COVID-19. In practical terms, this means that to even start working on an individual's case, SIFI legal workers may need to wait at least one week after their first client meeting to receive any documents from the client. A one-week delay amid this pandemic has grave consequences for individuals medically vulnerable to COVID-19. To illustrate, in a matter of one week, ICE reported the number of confirmed COVID-19 cases among individuals detained at LaSalle increased from two to twenty. See attached Exhibit C (ICE Guidance on COVID-19 <https://www.ice.gov/coronavirus> (updated Apr. 20, 2020 and April 27, 2020)).
52. Delays also generally harm clients' chances of winning release. One factor an immigration judge considers in a release motion is the applicant's flight risk. The closer a person's final individual or merits hearing is, the more of a flight risk she is considered to be. By obstructing a client's access to her attorney and therefore delaying the completion of her release application, the facilities also reduce her chances of succeeding.
53. Despite SIFI's showing of these problems, ICE has not consistently allowed SIFI to exchange legal documents with clients via facsimile or Internet. Instead, on April 3, ICE stated that the facilities would not "retrieve facsimiles or download electronic copies of legal documents for detainees." (Exhibit B). Out of the four facilities, SIFI has received faxes from their detained clients at Irwin, as it seems there is a system in place for this one-way communication. Additionally, for about two to three weeks before the pandemic, Irwin also allowed attorneys to send faxes to the facility before VTC appointments, to be delivered to their client.
54. Defendants' refusal to facilitate timely exchange of documents hinders effective representation. For example, in late March a SIFI attorney requested her client's medical records from LaSalle after receiving express verbal authorization from her client to do so.

The deportation officer, after consulting with his supervisor, refused to accept the medical records release without a wet signature by the detainee himself—something the facility’s own restrictions have made very hard to procure. Instead, the deportation officer instructed the attorney to send him the release, and then he would send it to the facility, which would then return it by mail. Getting such a signature by mail (rather than by fax or some electronic means) increases the interval before the medical records can be sent to SIFI, effectively delaying clients’ access to counsel.

55. Another consequence of mail problems is to subvert the timeliness of adjudications of release requests to ICE. For example, on or about April 15, a SIFI attorney submitted a humanitarian parole request on behalf of a medically vulnerable client detained at LaSalle. Because ICE had instructed her not to email the request, she sent it by mail (she also tried to send it by facsimile, but it did not go through). Not having received a response, on the morning of April 28, she emailed ICE agents involved with her client’s case to inquire into the status of the parole request. An ICE Deportation Officer promptly responded, stating that he had no record of any such request, and asking how she had sent it. The SIFI attorney replied at 9:54 a.m., stating that she used the mail and attaching to the email a copy of the parole request. The Deportation Officer responded in less than one hour, at 10:37 a.m., stating that “the New Orleans Field Office has decided not to parole your client at this time.” The SIFI attorney was distressed to note that a decision had been made on her client’s voluminous parole request after less than one hour of review of material that, according to the ICE agent, had not been in ICE’s possession until that very morning.

56. This is just one instance in a pattern of weeks-long delays by ICE in responding to humanitarian parole requests. SIFI staff continue to face difficulty in getting responses from deportation officers. Based on a conversation between a deportation officer and a SIFI staff member, it appears that officers on the ground have been overwhelmed and not able to keep up with parole applications being submitted; are not aware when new applications are submitted; and are working erratic schedules. Based on a conversation between a different deportation officer and a different SIFI staff member, who has several

cases awaiting responses for parole requests, another source of delay is the review of a line ICE agent's recommendation at the level of Field Office Director, Deputy Field Office Director, or Assistant Field Office Director. There is also lack of clarity from ICE about where to send correspondence and parole applications, in what format, and to whom. This problem will be exacerbated as attorneys prepare to submit custody redetermination requests in light of *Frailhat*, which requires ICE to identify and consider for release all medically vulnerable individuals in custody Case No. 5:19-cv-01546-JGB-SHK (C.D. Cal. Apr. 20, 2020), ECF No. 13. *Frailhat* also gives all subclass members in ICE custody the right to submit a custody redetermination request. *Id.*

### **Quarantined Units**

57. Detained individuals inside the four facilities are being subjected to ICE's method of "cohorting," a practice that has been criticized by experts as ineffective to combating coronavirus.
  
58. ICE has not clarified what if any rules apply to legal access to detained individuals who are in quarantine, cohorting, or isolation in the four facilities. However, for SIFI clients subject to these types of confinement, SIFI staff have faced obstacles to access. For example, SIFI staff communicated with CoreCivic employees for more than two weeks in an attempt to schedule a remote legal visit with a potential client who was subject to quarantine inside Stewart. The first request for a VTC call dates back to April 6. The VTC coordinator assigned SIFI a VTC slot with the potential client for April 10. But on that date, a CoreCivic officer told a SIFI legal worker that the individual could not be brought to the VTC room because he was under quarantine. The SIFI legal worker asked the officer to relay her phone number to the potential client and ask him to call her. She had not heard from the potential client as of April 16, so she followed up with the VTC coordinator that day to request a facility legal call with him. A SIFI attorney then took up communications with the Stewart warden to secure a facility legal call. It eventually took place on April 24. See *supra*, paragraphs 35-36.

**Conclusion**

59. Our clients inside LaSalle, Pine Prairie, Stewart, and Irwin need SIFI's legal assistance now as much as ever.

60. The access barriers that SIFI faced before the coronavirus pandemic have been exacerbated. What SIFI staff have personally experienced in attempting to communicate with detained individuals amid COVID-19 exhibits a grossly deficient response by ICE to protect individuals' constitutional right to counsel.

*I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.*

DATED: May 6, 2020

A handwritten signature in blue ink that reads "Laura G. Rivera". The signature is written in a cursive style and is positioned above a horizontal line.

Laura G. Rivera, Esq.

# **Exhibit A**

Official Website of the Department of Homeland Security



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Search ICE.gov

NOTICE

[Click here for the latest ICE guidance on COVID-19](#)

## ICE Guidance on COVID-19

### Introduction

U.S. Immigration and Customs Enforcement (ICE) is working closely with the Department of Homeland Security (DHS) and other federal, state, and local agencies to facilitate a speedy, whole-of-government response in confronting Coronavirus Disease 2019 (COVID-19), keeping everyone safe, and helping detect and slow the spread of the virus. In order to keep the public, media and family members of those in custody and other stakeholders informed, we will update this site frequently during this extremely fluid situation.

[Expand All](#) [Collapse All](#)

<b>GENERAL</b>
<b>CONFIRMED CASES</b>
<b>IMMIGRATION ENFORCEMENT and CHECK-INS</b>
<b>BONDS</b>
<b>DETENTION</b>
<b>VISITATION AT DETENTION FACILITIES</b>

**My family member or friend is currently in ICE custody, will visitation to the facility still be allowed?**

ICE, like other law enforcement agencies with a detained population, is taking important steps to further safeguard those in our care and as a precautionary measure, ICE has temporarily suspended social visitation in all of its detention facilities. ICE will continue to collaborate with the CDC, IHSC, and its network of care providers to provide updates and revise procedures as necessary.

*Updated 03/15/2020 2:38pm*

**How will family member communicate with their family members?**

ICE recognizes the substantial impact of temporarily curtailing personal visitation, but the agency has determined it necessary in order to maintain the safety and security of the facility, the detainees and those who work at the facility. ICE will take steps to facilitate such communication with families, in the absence of visitation, through extended access to telephones and other reasonable means. ICE will continue to collaborate with the CDC, IHSC, and its network of care providers to provide updates and revise procedures as necessary.

*Updated 03/15/2020 2:38pm*

**Will individuals in ICE custody be able to meet with their legal representatives?**

Detainee access to legal counsel remains a paramount requirement and will be accommodated to the maximum extent practicable. Unless and until it is determined to pose a risk to the safety and security of the facility, legal visitation will continue; but ICE is encouraging all legal representatives to contact the facility at which they must visit their clients in-person to determine current policies and procedures regarding legal visits. Non-contact legal visitation (e.g., Skype or teleconference) should be offered first, if available, to limit exposure to ICE detainees; but if the attorney believes the legal visit requires contact, the facility should permit the visit with the appropriate guidelines it has established.

For in-person, contact (without any physical barriers) visits to occur, the attorney must undergo screening using the same procedures as staff. ICE will require all legal visitors to provide and wear PPE (e.g., gloves, N-95 masks, and eye protection) while visiting with any client at any facility. Legal representatives may also be required to go through similar testing as employees of the detention facility, as determined by

the individual facility. The overall authority to approve legal visits lies with the Warden or Facility Administrator; however, the facilities have been asked to notify its local Field Office Director as soon as possible of any denied legal visits.

For attorneys appearing in-person for court at ICE facilities, they are encouraged to contact the Executive Office for Immigration Review for any additional requirements.

Government-sponsored Legal Orientation Programs (LOPs) carried out by the Department of Justice Executive Office of Immigration Review (EOIR) and authorized by Congressional appropriations currently operate at a limited number of detention sites and may continue to make presentations to detainees. No more than four LOP presenters may be allowed in the facility at any time and they will need to undergo screening using the same procedures as staff. ICE will require all legal visitors participating in contact visitation to provide and wear PPE (e.g., gloves, N-95 masks, and eye protection) while visiting any facility. Non-LOP legal rights group presentations offered by volunteers are suspended until further notice. ICE will continue to collaborate with the CDC, IHSC, and its network of care providers to provide updates and revise procedures as necessary.

Updated 03/24/2020 2:15pm

**Will members of Congress be able to visit ICE detention facilities?**

Members of Congress, Congressional member delegations and Congressional staff delegations will continue to have access to the facility for the purpose of conducting oversight. In order to safeguard visitors, detainees, and ICE and facility staff, official visitors may be subject to special screening and procedures. ICE/ERO now requires all CODELs, and STAFFDELS to provide and wear personal protective equipment (PPE) (disposable vinyl gloves, N-95 or surgical masks, and eye protection) while visiting any detention facility. ICE will continue to collaborate with the CDC, IHSC, and its network of care providers to provide updates and revise procedures as necessary.

Updated 03/24/2020 2:15pm

**REMOVALS**

**STAKEHOLDER ENGAGEMENT**

**NONIMMIGRANT STUDENTS AND SEVP-CERTIFIED SCHOOLS**

Last Reviewed/Updated: 03/25/2020



# **Exhibit B**

U.S. Department of Homeland Security  
500 12<sup>th</sup> Street SW, Room 9060  
Washington, DC 20536



U.S. Immigration  
and Customs  
Enforcement

April 3, 2020

**VIA E-MAIL**

Shalini Goel Agarwal  
Senior Supervising Attorney  
Southern Poverty Law Center  
P.O. Box 10788  
Tallahassee, FL 32302-2788

Re: *SPLC* Novel Corona Virus Outbreak

Dear Ms. Goel Agarwal:

I write in response to Southern Poverty Law Center's (SPLC) March 25, 2020 letter concerning access to counsel during the novel coronavirus pandemic for aliens detained at Irwin County Detention Center (Irwin), LaSalle ICE Processing Center (LaSalle), Pine Prairie ICE Processing Center (Pine Prairie), and Stewart Detention Center (Stewart). This letter, however, does not address *SPLC v. DHS, et al.*, No. 18-760 (D.D.C. SAC filed Aug. 28, 2019), which is before the United States District Court for the District of Columbia.

U.S. Immigration and Customs Enforcement (ICE) is reviewing its "at risk population" to include the elderly, pregnant detainees, and others with compromised immune systems to ensure that detention is appropriate given the extenuating circumstances. Custody determinations are made on a case-by-case basis at each detention facility and include, among other factors, the public safety risk that such release could create and the requirement to detain certain aliens under law. *See* Section 236 of the Immigration and Nationality Act, 8 U.S.C. § 1226. The agency will continue to review its "at risk population" at the four detention facilities in the days and weeks ahead when deciding whether any detainees should be released from custody.

Separately, ICE rejects SPLC's assertion that, as of March 25, 2020, there were "confirmed cases of COVID-19 at Irwin, LaSalle, and Pine Prairie." Letter from Shalini Goel Agarwal, Senior Supervisory Attorney, to Jon Kaplan, Associate Legal Advisor, Office of the Principal Legal Advisor, and Julie Plavsic, Senior Policy Advisor, Office of Legal Access Programs at 4 (Mar. 25, 2020) (SPLC Letter). At that time, all four locations had reported that there are no confirmed cases of COVID-19 at any of the facilities. On April 1, 2020, at 8:54 p.m., however, ICE received confirmation that an alien detained at Pine Prairie who transferred as an inmate from the Federal Bureau of Prisons in Oakdale, LA, tested positive for

SPLC

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COVID-19. At the time, he was found to be asymptomatic. Since the detainee's arrival at Pine Prairie, he has been kept in a negative pressure chamber in the facility and has not interacted with the general population in any manner. Additionally, in the exercise of caution, the detainee arrived at Pine Prairie wearing personal protective equipment (PPE). The detainee will remain in isolation until April 6, 2020, before he is placed in a general population pod at the facility. Notwithstanding this incident, ICE will continue to coordinate with medical professionals and monitor the facilities and detainees in an effort to minimize the chances of entry of COVID-19 into the facilities.

SPLC further raises three alleged incidents on March 20, 2020, at Pine Prairie, March 24, 2020, at LaSalle, and March 25, 2020, at Stewart relating to the facilities' responses to the public health crisis. First, Pine Prairie rejects the allegation about the quarantined dorm incident because SPLC, like other visitors, are limited to the legal visitation area, which is adjacent to the front entrance and which does not provide visual access into the dorm area. Accordingly, please provide any evidence supporting SPLC's allegations. Additionally, ICE encourages SPLC visitors to file complaints with the facility regarding any issues encountered during visits. Second, and upon initial investigation, LaSalle acknowledges that the six-day delay to set up video-teleconference (VTC) calls is likely accurate given the high demand to use Skype during the pandemic and the limited resources at the facility. To reduce the current backlog for access to VTC at LaSalle, GEO Group (GEO) has agreed to extend the hours from 7:00 a.m. to 7:00 p.m., Mondays through Fridays, and anticipates installing two additional Skype units by April 10, 2020. (Please note that LaSalle, like the other facilities, will continue to schedule VTC sessions on a first-come, first-serve basis.) Third, in reviewing the pertinent e-mail exchange between SPLC and CoreCivic, it appears that SPLC was able to conduct a virtual legal visitation with its detained client at Stewart on March 30, 2020. ICE is sensitive to SPLC's concerns about access to counsel and will make accommodations when appropriate, but maintains that health and safety are of paramount interest. Accordingly, until further notice, ICE will continue requiring attorneys to bring in their own PPE and undergo wellness screening should they decide to visit the facilities to minimize the risk of exposure to and/or spread of the virus.

Finally, ICE has discussed with the facilities SPLC's six immediate action demands concerning access to counsel enumerated in your letter. The facilities' responses are as follows:

1. Irwin and Stewart: VTC and telephone calls for attorney-client communications already are in place. LaSalle: There has been a delay in processing VTC and legal call requests because of the public health crisis, and GEO has agreed to temporarily extend the hours of service. Pine Prairie: No issues with scheduling VTC and telephone calls.
2. Irwin, LaSalle, Pine Prairie, and Stewart: The facilities agree to temporarily extend the hours for Skype use consistent with the security and orderly operation of the facility. Specifically, Irwin has agreed to extend Skype calls from 8:00 a.m. to 7:00 p.m., Tuesdays through Fridays, if needed, and ordered an additional laptop for the Skype unit. (Skype calls will continued to be scheduled from 8:00 a.m. to 5:00 p.m. on

SPLC

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Mondays because of staffing issues.) Stewart has agreed to extend Skype calls from 8:00 a.m. to 6:00 p.m., Mondays through Fridays. As discussed above, LaSalle has agreed to extend Skype calls from 7:00 a.m. to 7:00 p.m., Mondays through Fridays, and anticipates installing two additional Skype units by April 10, 2020. Pine Prairie has agreed to extend Skype calls from 8:00 a.m. to 7:00 p.m., Mondays through Fridays, and, at this time, has agreed to provide Skype service from 8:00 a.m. to 4:00 p.m., Saturdays and Sundays. Attorneys may set up three-way calling to include interpreters or experts using their portable electronic devices.

3. Irwin, LaSalle, Pine Prairie, and Stewart: Irwin, LaSalle, and Pine Prairie have agreed to temporarily extend the hours for legal calls consistent with the security and orderly operations of the facilities, but none of the facilities will agree to “confidential phone booths for calls to be available *at any time* by the request of detained individuals or attorneys”, SPLC Letter at 6 (emphasis in original), as this demand is unreasonable. Irwin has agreed to extend legal calls from 8:00 a.m. to 7:00 p.m., Tuesdays through Fridays, if needed, and Stewart will continue to provide for legal calls from 8 a.m. to 8:00 p.m., Mondays through Fridays. LaSalle has agreed to extend legal calls from 7:00 a.m. to 7:00 p.m., Mondays through Fridays, and Pine Prairie’s hours will remain the same because the facility continues to meet the needs of detainees and their attorneys for legal calls. As SPLC should be aware, SPLC is currently on the *pro-bono* call list that allows detainees to make unmonitored calls to SPLC at any time for free. Nevertheless, the facilities will make funds available for indigent detainees, to the extent necessary, to place telephone calls in accordance with the 2008 and 2011 Performance Based National Detention Standards (PBNDS). The facilities will also extend VTC availability within facility capabilities and staffing availabilities.

Attorneys may set up three-way calling to include interpreters or experts using their portable electronic devices. Irwin indicated that upon request, attorneys may set up unmonitored telephone calls from detained clients by way of the facility’s telephone system, and detainees may request making or receiving legal calls by way of the CoreCivic employees or kiosk. Stewart indicated that attorneys may set up unmonitored telephone calls from detained clients by way of the facility’s telephone system.

4. Irwin, LaSalle, Pine Prairie, and Stewart: The facilities’ unit managers and law library officers will continue to assist the detainees with their needs to exchange a hardcopy of legal documents with their attorneys, but will not retrieve facsimiles or download electronic copies of legal documents for detainees. Additionally, the facilities will not permit stamps into the facilities because they may be used for improper means, such as currency or barter; however, the facilities may permit metered and preaddressed envelopes.
5. Irwin, LaSalle, Pine Prairie, and Stewart: In accordance with 2008 PBNDS and 2011 PBNDS, the facilities will permit attorneys to conduct initial consultations without

SPLC

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executed G-28s, but cannot agree to waiving signature requirements for ICE privacy waivers.

6. Irwin, LaSalle, Pine Prairie, and Stewart: The facilities will permit confidential legal calls and VTC visits for quarantined detainees to the extent that such access can be provided in accordance with medical directives or guidelines, and without compromising the health or safety of the detainee population or detention employees. To the extent certain detainees are quarantined, the facilities will continue to appropriately schedule and permit such calls and/or VTC visits to occur. The facilities are further amenable to setting up unmonitored legal calls by way of detainee telephones.

Please contact Ruth Ann Mueller, James Walker, and David Byerley, Trial Attorneys, Office of Immigration Litigation (OIL), to discuss any additional concerns SPLC may have in reply to ICE's response to this letter. ICE will continue to coordinate with the facilities its response to the global pandemic and will supplement this letter if necessary.

Sincerely,



Jon Kaplan

Associate Legal Advisor

District Court Litigation Division

cc: Ruth Ann Mueller, OIL  
James Walker, OIL  
David Byerley, OIL  
Brian Boyd, OPLA DCLD  
Julie Plavsic, ICE ERO

# **Exhibit C**



# ICE

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## ICE Guidance on COVID-19

Overview & FAQs

Confirmed Cases

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DETAINEES

**220**

There have been 220 confirmed cases of COVID-19 among those in ICE custody\*.

- 8 detainees in Adams County Correctional Center (Natchez, MS)
- 2 detainees in Bergen County Jail (Hackensack, NJ)
- 45 detainees in Buffalo Federal Detention Facility (Batavia, NY)
- 1 detainee in Catahoula Correctional Center (Harrisonburg, LA)
- 13 detainees in Elizabeth Detention Center (Elizabeth, NJ)
- 4 detainees in El Paso Processing Center (El Paso, TX)
- 2 detainees in Essex County Correctional Facility (Newark, NJ)
- 9 detainees in Florence Detention Center (Florence, AZ)
- 8 detainees in Hudson County Jail (Kearny, NJ)
- 1 detainee in IAH Secure Adult Detention Facility (Livingston, TX)
- 1 detainee in Irwin County Detention Center (Ocilla, GA)
- 2 detainees in Krome Detention Center (Miami, FL)
- 13 detainees in La Palma Correctional Facility (Eloy, AZ)
- 2 detainees in LaSalle Correctional Center (Olla, LA)
- 1 detainee in LaSalle ICE Processing Center (Jena, LA)
- 1 detainee in Montgomery Processing Center (Conroe, TX)
- 20 detainees in Otay Mesa Detention Center (San Diego, CA)
- 1 detainee in Otero County Processing Center (Chaparral, NM)
- 24 detainees in Prairieland Detention Center (Alvarado, TX)
- 11 detainees in Pike County Correctional Facility (Hawley, PA)
- 9 detainees in Pine Prairie ICE Processing Center (Pine Prairie, LA)
- 6 detainees in Pulaski County Detention Center (Ullin, IL)
- 20 detainees in Richwood Correctional Center (Monroe, LA)
- 2 detainee in River Correctional Center (Ferriday, LA)
- 3 detainees in St. Clair County Jail (Huron, MI)

- 9 detainees in Stewart Detention Center (Lumpkin, GA)
- 1 detainee in Winn Correctional Center (Winnfield, LA)
- 1 detainee in York County Prison (York, PA)

\*Some detainees may no longer be in ICE custody.

*Updated 04/20/2020 5:40pm*

ICE  
EMPLOYEES  
AT  
DETENTION  
CENTERS

**30**

There have been 30 confirmed cases of COVID-19 among ICE employees working in ICE detention facilities.

- 13 at Alexandria Staging Facility (Alexandria, LA)
- 2 at Aurora Contract Detention Facility (Aurora, CO)
- 1 at Butler County Jail (Hamilton, OH)
- 2 at Elizabeth Contract Detention Facility (Elizabeth, NJ)
- 1 at Florence Correctional Center (Florence, AZ)
- 1 at Houston Contract Detention Facility (Houston, TX)
- 1 at Hudson County Jail (Kearny, NJ)
- 8 at Otay Mesa Detention Center (San Diego, CA)
- 1 at Stewart Detention Center (Lumpkin, GA)

*Updated 04/20/2020 5:40pm*

ICE  
EMPLOYEES

**86**

There have been 86 confirmed cases of COVID-19 among ICE employees not assigned to detention facilities.

*Updated 04/20/2020 5:40pm*

Last Reviewed/Updated: 04/20/2020





# ICE

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## ICE Guidance on COVID-19

[Overview & FAQs](#)

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### DETAINEES

**360**

There have been 360 confirmed cases of COVID-19 among those in ICE custody\*.

- 12 detainees in Adams County Correctional Center (Natchez, MS)
- 2 detainees in Bergen County Jail (Hackensack, NJ)
- 1 detainee in Bluebonnet Detention Facility (Anson, TX)
- 49 detainees in Buffalo Federal Detention Facility (Batavia, NY)
- 2 detainees in Caroline Detention Facility (Bowling Green, VA)
- 3 detainees in Catahoula Correctional Center (Harrisonburg, LA)
- 7 detainees in El Paso Processing Center (El Paso, TX)
- 13 detainees in Elizabeth Detention Center (Elizabeth, NJ)
- 2 detainees in Essex County Correctional Facility (Newark, NJ)
- 10 detainees in Florence Detention Center (Florence, AZ)
- 8 detainees in Hudson County Jail (Kearny, NJ)
- 1 detainee in IAH Secure Adult Detention Facility (Livingston, TX)
- 2 detainees in Irwin County Detention Center (Ocilla, GA)
- 4 detainees in Krome Detention Center (Miami, FL)
- 23 detainees in La Palma Correctional Facility (Eloy, AZ)
- 20 detainees in LaSalle ICE Processing Center (Jena, LA)
- 3 detainees in Montgomery Processing Center (Conroe, TX)
- 1 detainee in Morrow County Correctional Facility (Mount Gilead, OH)
- 75 detainees in Otay Mesa Detention Center (San Diego, CA)

- 2 detainees in Otero County Processing Center (Chaparral, NM)
- 14 detainees in Pike County Correctional Facility (Hawley, PA)
- 17 detainees in Pine Prairie ICE Processing Center (Pine Prairie, LA)
- 36 detainees in Prairieland Detention Center (Alvarado, TX)
- 9 detainees in Pulaski County Detention Center (Ullin, IL)
- 37 detainees in Richwood Correctional Center (Monroe, LA)
- 2 detainees in River Correctional Center (Ferriday, LA)
- 2 detainees in South Texas ICE Processing Center (Pearsall, TX)
- 5 detainees in St. Clair County Jail (Huron, MI)
- 9 detainees in Stewart Detention Center (Lumpkin, GA)
- 2 detainees in Winn Correctional Center (Winnfield, LA)
- 1 detainee in Wyatt Detention Center (Central Falls, RI)
- 1 detainee in York County Prison (York, PA)

\*Some detainees may no longer be in ICE custody.

*Updated 04/27/2020 5:45pm*

ICE  
EMPLOYEES  
AT  
DETENTION  
CENTERS

**35**

There have been 35 confirmed cases of COVID-19 among ICE employees working in ICE detention facilities.

- 14 at Alexandria Staging Facility (Alexandria, LA)
- 2 at Aurora Contract Detention Facility (Aurora, CO)
- 1 in Bergen County Jail (Hackensack, NJ)
- 1 at Butler County Jail (Hamilton, OH)
- 2 at Elizabeth Contract Detention Facility (Elizabeth, NJ)
- 1 at Essex County Correctional Facility (Newark, NJ)
- 1 at Florence Correctional Center (Florence, AZ)
- 2 at Houston Contract Detention Facility (Houston, TX)
- 1 at Hudson County Jail (Kearny, NJ)
- 8 at Otay Mesa Detention Center (San Diego, CA)
- 1 at Stewart Detention Center (Lumpkin, GA)

*Updated 04/24/2020 5:00pm*

ICE  
EMPLOYEES

**89**

There have been 88 confirmed cases of COVID-19 among ICE employees not assigned to detention facilities.

*Updated 04/24/2020 5:00pm*

Last Reviewed/Updated: 04/27/2020

