



May 27, 2021

SENT VIA EMAIL

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Jarvis Dortch
Executive Director

Alicia Netterville
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Re: COVID-19 Vaccine Availability in the Adams County Detention Center

Dear Director Witte and Warden Gillis:

Throughout the COVID-19 pandemic, Immigration and Customs Enforcement (ICE) detention centers have been among the most dangerous places in the United States. COVID-19 infection rates in ICE detention are 20 times higher than that of the general population, and 5 times greater than in prisons.¹ COVID-19 outbreaks in ICE detention have led to the rapid spread of the virus in surrounding communities, leading many to label ICE a “superspreader agency.”² As of May 23, 2021, over 15,000 immigration detainees have been infected with COVID-19, and at least nine detained people have died from the virus.³ With at least 586 detained people having contracted COVID-19, Adams County Detention

¹ Isabelle Niu and Emily Rhyne, *The Most Dangerous Places in a Deadly Pandemic*, NY Times, May 8, 2021 at A8, <https://www.nytimes.com/2021/04/25/video/immigration-detention-covid-takeaways.html?searchResultPosition=2>.

² Washington Post, *ICE Is the Superspreader Agency*, May 2, 2021, https://www.washingtonpost.com/opinions/ice-is-the-superspreader-agency/2021/05/01/eb079944-a9f2-11eb-8c1a-56f0cb4ff3b5_story.html.

³ ICE, COVID-19 ICE Detainee Statistics by Facility, <https://www.ice.gov/coronavirus#detStat> (last checked May 25, 2021). This is likely a vast underestimate, given ICE’s practice of not counting deaths that occurred after an individual’s “release” from ICE custody, and does not include the number of private contract employees who grew ill or died from COVID-19 after exposure to the virus from an ICE detention facility. ACLU, *The Survivors: Stories of People Released from ICE Detention During the COVID-19 Pandemic* 10-12 (2021), https://www.aclu.org/sites/default/files/field_document/20210512-ice-detention-report.pdf; see *supra* notes 1-2.

Center (“Adams County”) is the site of one of the largest COVID-19 outbreaks in ICE detention facilities nationwide.⁴

ICE’s current COVID-19 protocol states that “all detention facilities are responsible for ensuring their ICE detainees are offered the COVID vaccine in accordance with state priorities and guidance. Detention facility staff should contact their state’s COVID-19 vaccine resource . . . to obtain vaccine.”⁵ This policy, however, has led to significant gaps in vaccination, even as there is now a surplus in COVID-19 vaccine supply in the United States. The vast majority of people in ICE detention have yet to receive a dose: ICE Acting Director Tae Johnson recently reported to Congress that only 20 percent of people in ICE detention nationwide have received at least one COVID-19 shot.⁶ In many instances, state and local public agencies have publicly stated that the federal government bears the responsibility to provide COVID-19 vaccines to people in federal ICE custody.⁷ Meanwhile, COVID-19 outbreaks continue to spread in several detention facilities nationwide, including the alarming outbreak currently taking place at Adams County, where the number of active cases spiked from four on May 12, 2021, to 386 on May 15, 2021.⁸ Advocates including the ACLU of Mississippi recently filed a complaint with the Office of Civil Rights and Civil Liberties, describing a multitude of unsafe conditions at the facility and in violation of the Centers for Disease Control and Prevention and ICE’s own COVID-19 safety protocols.⁹

In contrast to ICE’s failed vaccination strategy, the Federal Bureau of Prisons, which worked to secure vaccine doses directly from the federal government, has administered over 166,000 doses of the COVID-19 vaccine to prisoners and staff.¹⁰ By mid-May, the Bureau of Prisons has offered vaccines to *all* incarcerated individuals in federal prisons.¹¹

Given the urgency posed by COVID-19—including the introduction of new variants and continued outbreaks throughout detention centers across the country—it is imperative that you

⁴ ICE, COVID-19 ICE Detainee Statistics by Facility, <https://www.ice.gov/coronavirus#detStat> (last checked May 25, 2021); see also Noelle Smart and Adam Garcia, *Tracking COVID-19 in Immigration Detention: A Dashboard of ICE Data, Timeline* (data through May 18, 2021), <https://www.vera.org/tracking-covid-19-in-immigration-detention>.

⁵ ICE ERO, *COVID-19 Pandemic Response Requirements, Version 6.0* 24 (Mar. 16, 2021), <https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities.pdf>.

⁶ Caroline Simon, *National Vaccination Effort Leaves ICE Detainees Behind*, Roll Call, May 14, 2021, <https://www.rollcall.com/2021/05/14/national-vaccination-effort-leaves-ice-detainees-behind/>.

⁷ See, e.g. Elizabeth Trovall, *Few Texas ICE Detention Centers Are Vaccinating for COVID-19. Feds Say It’s Up to Local Health Departments*, Houston Public Media, May 6, 2021,

<https://www.houstonpublicmedia.org/articles/news/in-depth/2021/05/06/397348/with-hundreds-sick-in-texas-ice-says-its-up-to-local-health-departments-to-vaccinate-detained-immigrants/>; Ana Ibarra, *Immigration Detention Centers Showcase California’s Vaccine Chaos*, Cal Matters, Feb. 22, 2021, <https://calmatters.org/health/coronavirus/2021/02/immigrants-detention-centers-vaccine/>.

⁸ Immigrant Alliance for Justice and Equity et al., Letter to Office for Civil rights & Civil Liberties, Re: COVID-19 at Adams County Detention Center (May 17, 2021),

https://www.splcenter.org/sites/default/files/adams_county_detention_center_complaint.pdf.

⁹ *Id.*

¹⁰ Federal Bureau of Prisons, COVID-19, <https://www.bop.gov/coronavirus/> (last visited May 7, 2021).

¹¹ The Marshall Project, *COVID Cases in Prisons*, <https://data.world/associatedpress/marshall-project-covid-cases-in-prisons> (last visited May 21, 2021).

act quickly to provide vaccines to all staff and detained people in ICE custody at Adams County. We request that the New Orleans ICE Field Office:

- Immediately coordinate with local, state, and federal public health agencies to secure sufficient COVID-19 vaccines at each ICE detention facility in your jurisdiction, including Adams County, to ensure that every detained person and staff member can be vaccinated. Vaccine supply should be sufficient and continuous to ensure that vaccines can be provided to all new detainees at the time of admission to the facility.
- Ensure that linguistically and culturally appropriate educational materials are provided to detained people and staff prior to offering COVID-19 vaccines. Permit local stakeholder organizations to provide supplementary educational materials for distribution to detainees.
- Ensure that all detainees who have previously declined vaccinations be reoffered vaccination at regular intervals, with the provision of educational materials.
- Ensure that detainees can request a vaccine by submitting a sick call or request for health services, and be provided with a vaccine within 48 hours of the request.
- Ensure that vaccination arrangements are made for all detainees who have received the first dose of a two-dose vaccine if scheduled for release or transfer after receiving only the initial dose.

We also request that you provide us with a written response detailing the following information regarding vaccine distribution at the Adams County facility:

1. The number and percentage of immigrant detainees at each facility who have received a COVID-19 vaccine. Please provide information as to whether detainees have received a full dose,¹² or if they still require at least one dose to become fully vaccinated.
2. The number and percentage of immigrant detainees at each facility who have refused the COVID-19 vaccine.
3. The number of COVID-19 vaccine doses available on site at each facility for vaccination of detainees.
4. The number and percentage of staff, including ICE and third-party contractors, who have received or refused a COVID-19 vaccine.
5. A description and projected timeline of your plans to vaccinate remaining immigrant detainees and staff members.

¹² An individual has received a full dose of the vaccine when they have all of the shots necessary to become fully vaccinated. This means that they have received their second dose in a two-dose series, such as the Pfizer or Moderna vaccines, or one shot of a single-dose vaccine, such as the Johnson & Johnson vaccine. Centers for Disease Control and Prevention, *When You've Been Fully Vaccinated*, <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html> (last visited May 26, 2021).

6. A copy of vaccine-related education that has been or will be provided to detainees and staff at each facility.
7. A description of the New Orleans ICE Field Office's efforts to work with local, state, and federal officials, and facility administrators regarding vaccine procurement and distribution for immigrant detainees.

Please provide us with a written response within one week of receipt. We appreciate your prompt attention to this matter. Please contact Delana Tavakol, dtavakol@aclu-ms.org, with any questions.

Sincerely,



Joshua Tom
Legal Director



Delana Tavakol
Smart Justice Advocate