

Congress of the United States
Washington, DC 20515

April 10, 2020

Matthew Albence
Acting Director
U.S Immigration and Customs Enforcement
500 12th St., SW
Washington, D.C. 20536

Dear Acting Director Albence:

We write to express our serious concern about reports that U.S. Immigration and Customs Enforcement (ICE) detention facilities in New Mexico are unprepared to manage the novel coronavirus 2019 (COVID-19) pandemic. We are deeply troubled that an employee and migrant have both contracted COVID-19 at the Otero County Processing Center, and we believe this demands a thorough review. Staff and detainees in these facilities are uniquely susceptible to infection from the virus due to the close quartered conditions they experience. In order to evaluate ICE's ability to protect staff and detainees from coronavirus infection, we request that you immediately provide a clear description of the monitoring of detainee medical conditions as well as their access to essential personal hygiene products.

The contraction of COVID-19 at the Otero ICE facility raises significant questions about ICE's preparation and ability to contain the virus and demonstrates the immediate need for a comprehensive assessment on how ICE plans to respond to an outbreak of COVID-19 to protect staff and detainees from infection. ICE should also be fully transparent and publicly disclose all relevant information regarding the agency's specific disease control procedures at detention facilities. This matter is not just about the humane treatment of detainees and the health and safety of individuals who work at these facilities every day; it is also about protecting the larger public from the rapid spread of this deadly disease.

The United States faces an unprecedented outbreak of the COVID-19 virus, which is straining all aspects of our society and our government. People working and living in constant close contact are uniquely susceptible to the outbreak of the disease. Therefore, increased emphasis must be placed on science-based, lifesaving measures, including sanitation and safety procedures such as the frequent cleaning of surfaces where the virus can live, and the wearing of personal protective equipment by facility staff to prevent the spread of the infection.

Transparency is necessary to understand the full scope of ICE's hygienic and medical policies regarding staff and detainees at its facilities. To ensure all employees and detainees in ICE facilities are treated safely and humanely, we ask that you address the following no later than April 17, 2020:

1. Please detail all precautionary measures ICE and Management & Training Corporation (MTC) took before the first contraction of the virus at the Otero facility.
2. Please detail all measures taken since confirming the first positive COVID-19 case at the Otero facility to ensure the virus does not spread to other detainees or staff.
3. Does ICE have sufficient resources at the facility to immediately and comprehensively clean all sections of the Otero facility?
4. Provide an explanation as to how ICE did not prevent the virus from entering the Otero facility.
5. What procedures are in place to educate staff, administrators, and detainees regarding information about the spread of the virus, the risks associated with it, and prevention and treatment measures, including adherence to U.S. Centers for Disease Control and Prevention guidance?
6. What plans are in place to ensure necessary functions and services, such as maintaining clean and safe living conditions in detention centers, will continue if large numbers of staff contract the virus?
7. What specific personal hygiene products, including hand soap, as well as disinfectant cleaning supplies, do detainees have free access to on a daily basis, and what products are they required to purchase?
8. What actions are being taken to ensure there is a sufficient quantity of emergency supplies and personal protective equipment to protect staff and detainees from contracting the virus?
9. Individuals working and housed in detention facilities are at a high risk of exposure to the virus due to the close quartered conditions. What actions is ICE taking when a detainee contracts the virus, and in the case of an outbreak, what actions will ICE take in case of an outbreak?
10. What protocols are in place for ICE and contract employees regarding the requirements to wear masks inside the facilities and what are the mandatory handwashing/sanitizing protocol in place?
11. What actions are being taken to screen and test ICE staff and detainees? Are ICE staff who have tested positive for the virus (or who have been in contact with someone who has tested positive) required to report this information, or is this done on a voluntarily basis?

Thank you for your prompt attention to the matter.

Sincerely,

s/ Tom Udall
Tom Udall
United States Senator

s/ Martin Heinrich
Martin Heinrich
United States Senator

s/ Ben Ray Luján
Ben Ray Luján
United States Representative

s/ Deb Haaland
Deb Haaland
United States Representative

s/ Xochitl Torres Small
Xochitl Torres Small
United States Representative