

January 28, 2022

Governor Gavin Newsom  
1303 10th Street, Suite 1173  
Sacramento, CA 95814

CC:  
Attorney General Rob Bonta  
California Department of Justice  
1300 I Street Sacramento, CA 95814

Dr. Tomás Aragón, Public Health Director  
California Department of Public Health  
PO Box 997377, MS 0500  
Sacramento, CA 95899

**RE: COVID Outbreak in Immigrant Detention Facilities**

We are reaching out to you as legal service providers, community-based organizations and advocates committed to protecting the health and safety of immigrants detained in the state of California. In the past week we have confirmed reports of COVID-19 outbreaks at multiple Immigration and Customs Enforcement (ICE) detention facilities operated by private companies in the state of California.

Immigrants remain an essential part of our state, and millions of California residents are affected by the issue of immigration and detention as well as the ongoing pandemic. As advocates we remain firmly committed to the safe release of all individuals from these horrific facilities, and recognize the importance of ensuring the health and safety of those who are forced to remain detained.

While we understand that the state of California plays no role in the operation of these facilities, we do believe the state has a role to play in the following areas.

- **COVID-19 Vaccinations and Boosters**

The state has played an important role in ensuring immigrants in detention have access to COVID-19 vaccines, and can play a critical role in ensuring booster access.

As you may know, our organizations were involved in an advocacy campaign in the winter of 2020 focused on ensuring that individuals in detention facilities had access to the COVID-19 vaccine. We appreciate your assistance in responding to this advocacy, and applaud the fact that California was one of the first states to provide immigrants in detention access to the state vaccine supply.

We have since been tracking the implementation of COVID-19 boosters in various immigrant detention facilities in the state and are disappointed to report that private operators continue to provide inadequate access to boosters at their facilities. This includes reports that some individuals have been pressured to accept non-mRNA boosters, have not been provided with informational material about the various boosters available, or have had to wait weeks before receiving a booster. These reports are particularly concerning given that the majority of detainees received the non-mRNA Janssen vaccine, which is no longer recommended by the CDC, and are in urgent need of an mRNA booster.

- **Assist Local Public Health Departments in their efforts to secure detention facilities**

Local Public Health Departments have been tasked with coordinating with immigrant detention facilities in their jurisdiction. This includes ensuring that detention facilities have plans in place to mitigate the spread of COVID-19. In fact ICE's own [pandemic response requirements](#) explicitly state:

The ICE detention standards applicable to all facilities housing ICE detainees have long required that each such facility have written plans that address the management of infectious and communicable diseases, including, but not limited to, testing, isolation, prevention, treatment, and education. **Those requirements include reporting and collaboration with local or state health departments in accordance with state and local laws and recommendations.**

We believe this language underscores the important role that the state and local public health department can play in ensuring that these facilities are properly secured and in compliance with the recommendations of public health departments. In addition, in 2021 our organizations sponsored Assembly Bill 263, requiring private detention facilities to abide by all state public health orders.

We have yet to see public health orders meaningfully enforced in these facilities, including an order issued on August 19, 2021, by the California Department of Public Health entitled "State and Local Correctional Facilities and Detention Centers Health Care Worker Vaccination Requirement." This order would require staff in immigrant detention facilities to be vaccinated, and would significantly mitigate the spread of COVID-19 in these facilities. Despite outreach to the appropriate state authorities, we have yet to receive a response from the state on the applicability of this public health order to immigrant detention facilities.

- **Oversight, Inspections and Accountability**

The California Department of Justice has the authority under AB 103 to conduct inspections of immigrant detention facilities. These inspections include the authority "to ensure the health and welfare of inmates and detainees in facilities within its borders"(United States v. California, No. 18-16496 (9th Cir. 2019).

We understand that the CAL DOJ is currently conducting inspections of these facilities, and urge them to include a full audit of health and safety standards as it relates to COVID-19, as well as

potential violations of California state laws or public health orders in their review. Furthermore, we have heard reports that individuals inside certain facilities were denied access to speak to CAL DOJ officials conducting inspections, despite having signed up to do so. This denial of access appears to have been intentional, and undermines the ability of individuals inside to share their detention experiences.

### **Urgent Requests**

In addition we kindly request that you review the following urgent requests from those detained, and assess the feasibility of issuing a public health order, or other means of addressing them.

1. Ensure access to N95 masks for all individuals in custody;
2. Provide hand sanitizer and adequate cleaning supplies that are [EPA-approved for COVID-19](#), in the recommended concentration for disinfection;
3. Ensure that individuals have access to any and all medications they need;
4. Provide adequate and timely medical care, including an evaluation by a medical doctor for all those exposed to COVID-19; and
5. Provide PCR tests and rapid tests to all individuals at the facility who request them, and ensure retesting of individuals before transferring them between dorms or pods.

Sincerely,

Lisa Knox  
Legal Director  
California Collaborative for Immigrant Justice

### **Organizational Sign-ons**

1. #DetentionKills
2. ACLU Foundation of San Diego & Imperial Counties
3. ACLU of Northern California
4. ACLU of Southern California
5. African Advocacy Network
6. Al Otro Lado
7. Alianza Sacramento
8. American Friends Service Committee-San Diego
9. Asian Americans Advancing Justice - Asian Law Caucus
10. California Immigrant Youth Justice Alliance
11. California Rural Legal Assistance Foundation (CRLA Foundation)
12. Center for Gender & Refugee Studies
13. Central American Resource Center - CARECEN- of California
14. Centro Legal de la Raza

15. Community Legal Services in East Palo Alto (CLSEPA)
16. Disability Rights California
17. Dolores Street Community Services
18. Education and Leadership Foundation
19. El Concilio Family Services
20. Faithful Friends
21. Freedom for Immigrants
22. Haitian Bridge Alliance
23. Hilda Cruz
24. Human Rights First
25. Immigrant Defenders Law Center
26. Immigrant Defense Advocates
27. Immigrant Legal Defense
28. Immigrant Legal Resource Center
29. Innovation Law Lab
30. Jewish Family & Community Services - East Bay
31. Kehilla Community Synagogue
32. Kern Welcoming and Extending Solidarity to Immigrants
33. Law Office of Helen Lawrence
34. Lawyers' Committee for Civil Rights of the San Francisco Bay Area
35. Long Beach Immigrant Rights Coalition
36. Lucas & Barba LLP
37. Mixteco/Indígena Community Organizing Project
38. National Immigration Law Center
39. NorCal Resist
40. Open Immigration Legal Services
41. Orange County Equality Coalition
42. Pangea Legal Services
43. Public Counsel
44. Public Law Center
45. Rainbow Beginnings
46. San Francisco Public Defender
47. SB County Immigrant Legal Defense Center
48. SIREN (Services, Immigrant Rights and Education Network)
49. UnCommon Law
50. USC Gould School of Law Immigration Clinic
51. VIDAS Legal Services (North Bay)
52. Vital Immigrant Defense Advocacy and Services (VIDAS)