

May 27, 2021

**SENT VIA EMAIL**

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**Re: COVID-19 Vaccine Availability in ICE Detention Facilities**

Dear Director Adduci and Sheriffs Jones, Hildenbrand, Hinton and Stevens:

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 five times greater than



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in prisons.<sup>1</sup> COVID-19 outbreaks in ICE detention centers have led to the rapid spread of the virus in surrounding communities, leading many to label ICE a “super spreader agency.”<sup>2</sup> As of May 25, 2021, over 15,000 immigration detainees have been infected with COVID-19, and at least nine detained people have died after contracting COVID-19 in ICE custody.<sup>3</sup> In Ohio’s four detention facilities, over 80 detained people have contracted COVID-19.

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.”<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup> Meanwhile, COVID-19 cases continue to arise in several detention facilities nationwide.<sup>7</sup>

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

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<sup>1</sup> 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>.

<sup>2</sup> 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](https://www.washingtonpost.com/opinions/ice-is-the-superspreader-agency/2021/05/01/eb079944-a9f2-11eb-8c1a-56f0cb4ff3b5_story.html).

<sup>3</sup> 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 ICE detention. 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](https://www.aclu.org/sites/default/files/field_document/20210512-ice-detention-report.pdf); see *supra* notes 1-2.

<sup>4</sup> ICE ERO, *COVID-19 Pandemic Response Requirements, Version 6.0* 24 (Mar. 16, 2021), <https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities.pdf>.

<sup>5</sup> 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/>.

<sup>6</sup> 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/>.

<sup>7</sup> *Id.* at 3.

166,000 doses of the COVID-19 vaccine to prisoners and staff.<sup>8</sup> By mid-May, the Bureau of Prisons has offered vaccines to **all** incarcerated individuals in federal prisons.<sup>9</sup>

Given the urgency posed by COVID-19—including the introduction of new variants and continued outbreaks throughout detention centers across the country from increased population numbers, it is imperative that you act quickly to provide vaccine access to all detained people and staff at Butler, Geauga, Morrow and Seneca County ICE-contracted facilities. We request that the Detroit 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 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 immigration detention facilities in Ohio:

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, or are awaiting full vaccination.
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.

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<sup>8</sup> Federal Bureau of Prisons, COVID-19, <https://www.bop.gov/coronavirus/> (last visited May 7, 2021).

<sup>9</sup> The Marshall Project, *COVID Cases in Prisons*, <https://data.world/associatedpress/marshall-project-covid-cases-in-prisons> (last visited May 21, 2021).

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.
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 Detroit 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 me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Rosnick', written in a cursive style.

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