

To: Los Angeles County Sheriff and Board of Supervisors
From: Signatories
Date: March 19, 2020
Re: **In Light of COVID-19, Immediately Stop the Transfers of Angelenos into the Custody of Federal Immigration Authorities and the Adelanto Immigration Prison**

In light of the COVID-19 pandemic, and following the enclosed community letter to the Board of Supervisors, dated March 4, 2020 and signed by 100 organizations, we write today to urge you to **immediately stop the transfers of Angelenos—who have already served their time and are due for release back to their homes and families—into the custody of federal immigration authorities and the Adelanto immigration prison.**¹ Specifically, following the action the City of Los Angeles has already taken,² the County of Los Angeles should no longer facilitate the arrest of a person by federal immigration authorities, unless it is pursuant to a *judicial probable cause determination* for a criminal offense, or otherwise required by law.

Without effective public health intervention to combat the COVID-19 pandemic, more than 200 million people nationally could be infected and 2.2 million people could die, crushing the nation's medical system.³ Yet, despite Governor Gavin Newsom's strict social distancing guidelines throughout California and stronger local measures in Los Angeles, Immigration and Customs Enforcement (ICE) has continued business as usual, carrying out its increasingly aggressive and deceptive enforcement operations and further undermining Angelenos' public safety and health.⁴ Worse, once ICE detains our community members, they are generally taken to the Adelanto immigration prison, where ICE has demonstrated an abject failure to provide adequate medical care even under "normal" circumstances.⁵ Moreover, just in the five-month period between October 1, 2019 and February 29, 2020, five individuals died in ICE custody.⁶

The Adelanto immigration prison is a "congregate environment," a place where people live and sleep in close proximity, where infectious diseases communicated by air or touch are more likely to spread. As a result, detained individuals will find it virtually impossible to engage in the social distancing and hygiene necessary to prevent and manage COVID-19, even with any best-laid plans.⁷ Further, lacking preventative measures, education, and meaningful access to proper health care is precisely the stage for a COVID-19 outbreak.⁸ As staff and ICE agents go back to their homes each night, a COVID-19 outbreak would affect not just detained individuals, but also the broader community.⁹ Thus, correctional public health experts and community organizations have urged the release from immigration custody of people most vulnerable to COVID-19.¹⁰ Logically, proactive public health measures also include ceasing the detention of additional county residents at the Adelanto immigration prison.¹¹ For these very reasons, the Sheriff's Department has taken initial steps to reduce the county jail population by slashing field arrests and releasing incarcerated individuals.¹²

ICE, however, has taken no steps to reduce its detained population, exposing individuals to life-threatening incarceration. It has continued its enforcement operations. And rather than

exercise sound judgment and discretion to at a minimum release people vulnerable to COVID-19, ICE instead seems to have taken the position that it will not release anyone unless individuals present symptoms or test positive for COVID-19 or it is ordered to do so by a judge.¹³ This position is reckless and inhumane.

In this context, Los Angeles County should immediately stop the destructive—and potentially deadly—practice of handing over Angelenos into the custody of federal immigration authorities, which subjects our neighbors to further incarceration under life-threatening conditions at the Adelanto immigration prison.¹⁴ It is time for Los Angeles County, as the county with one of the richest and most diverse immigrant communities, to require federal immigration authorities to show judicial probable cause in order to access Sheriff’s Department jail facilities, stations, and courthouse lockups. In addition, Los Angeles County should urge federal immigration authorities to suspend enforcement operations and release detained individuals in order to combat the spread of COVID-19 and protect the public health of county residents.¹⁵

Signatories

ACLU of Southern California	Community Coalition
American Indian Movement – Southern California	Dignity and Power Now
Anti Recidivism Coalition (ARC)	Dolores Mission Catholic Church
Asian Americans Advancing Justice – Los Angeles	Essie Justice Group
Asian Pacific Policy and Planning Council	Esperanza Immigrants’ Rights Project
Asociación Latino Musulmana de Norte América	Food Empowerment Project
Bend the Arc: Jewish Action	Freedom for Immigrants
Black Alliance for Just Immigration (BAJI)	Ground Game LA
Black and Brown Clergy	Holman United Methodist Church
Black Jewish Justice Alliance	Homeboy Industries
Black Lives Matter – Los Angeles (BLM-LA)	Homies Unidos
Brothers, Sons, Selves	Human Impact Partners (HIP)
California Immigrant Policy Center (CIPC)	Human Rights Watch
California Immigrant Youth Justice Alliance (CYIJA)	Iglesia Cristiana Centro de Vida Victoriosa
Central American Resource Center – Los Angeles (CARECEN-LA)	Ikar
Centro CSO	Immigrant Defenders Law Center
Clergy & Laity United for Economic Justice (CLUE)	Immigrant Legal Resource Center
Coalition for Humane Immigrant Rights (CHIRLA)	Immigration Resource Center of San Gabriel Valley
Council on American-Islamic Relations – Los Angeles (CAIR-LA)	Indivisible
	Instituto de Avance Latino (IDEAL)
	JusticeLA
	Khmer Girls in Action
	Kol Tikvah Temple
	Koreatown Immigrant Workers Alliance (KIWA)

Los Angeles Alliance for a New Economy (LAANE)	Public Counsel
Los Angeles Center for Law and Justice	Reform L.A. Jails
LA County Public Defender Union – AFSCME Local 148	Saint John the Baptist Catholic Church
LA Forward	Saint Mary of the Assumption Catholic Church
LA Progressive	Saint Stephen’s Episcopal Church
LA Voice	Sanctuary Long Beach Coalition
Leo Baeck Temple	Sanctuary Task Force of the Episcopal Church of Los Angeles
Long Beach Immigrant Rights Coalition	SEIU – United Service Workers West
March & Rally LA	Strategic Actions for a Just Economy (SAJE)
Matthew 25	Success Stories
Mountainside Communion	Temple Israel of Hollywood
National Day Laborer Organizing Network (NDLON)	The Bail Project
National Immigration Law Center (NILC)	The Church Without Walls
National Lawyers Guild – Los Angeles (NLG-LA)	The Justice Collaborative
Never Again Action Los Angeles	The Strategy Center
Occupy/Abolish ICE L.A.	UCLA Downtown Labor Center
Our Lady of Guadalupe Catholic Church	UCLA School of Law Criminal Defense Clinic
Our Gov LA	UCLA School of Law Immigrants’ Rights Policy Clinic
Pacoima Beautiful	Urban Peace Institute (UPI)
Pasadena Mennonite Church	West Valley Food Pantry
Pasadena Presbyterian Church	Youth Justice Coalition (YJC)
People Organized for Westside Renewal (POWER)	#MeToo Survivors
	#MeToo Survivors’ March International

Endnotes

¹ The federal government labels the Adelanto immigration prison and other immigration prisons as civil detention centers, but the penal reality of these immigration prisons is unmistakable. *See, e.g.,* César Cuauhtémoc García Hernández, *Immigration Detention as Punishment*, 61 UCLA L. REV. 1346, 1382-89 (2014); César Cuauhtémoc García Hernández, *Abolish Immigration Prisons*, N.Y. TIMES (Dec. 2, 2019), available at <https://www.nytimes.com/2019/12/02/opinion/immigration-detention-prison.html>.

² Office of the Chief of Police, Notice 1.14, “Immigration Enforcement Procedures” p. 5 (Dec. 29, 2017) (“Department personnel shall not permit US-ICE agents access to Department jail facilities to transfer arrestees except: To transfer custody pursuant to a *judicial warrant or judicial probable cause determination* for a criminal offense that authorizes a law enforcement officer to arrest and take into custody the individual for a federal criminal immigration offense”) (emphasis added).

³ Sheri Fink, *Worst-Case Estimates for U.S. Coronavirus Deaths*, N.Y. TIMES (Mar. 13, 2020), available at <https://www.nytimes.com/2020/03/13/us/coronavirus-deaths-estimate.html>; Sheri Fink, *White House Takes New Line After Dire Report on Death Toll*, N.Y. TIMES (Mar. 16, 2020), available at <https://www.nytimes.com/2020/03/16/us/coronavirus-fatality-rate-white-house.html>.

⁴ On Monday, March 16, 2020, ICE continued to carry out its destructive enforcement policies in Los Angeles County. *See, e.g.,* Brittany Mejia, *With masks at the ready, ICE agents make arrests on first day of California coronavirus lockdown*, L.A. TIMES (Mar. 17, 2020), available at <https://www.latimes.com/california/story/2020-03-17/for-ice-agents-its-business-as-unusual-day-after-sweeping-coronavirus-order>. Just last month, a plainclothes ICE

agent shot an immigrant community member in the face at point blank range. Annie Correal & Ed Shanahan, *Shooting of Man in the Face by ICE Turns Into a Trump-New York Fight*, N.Y. TIMES, available at <https://www.nytimes.com/2020/02/11/nyregion/ice-officer-shooting.html>. As more and more immigrants know their rights, ICE has also stepped up ruses, primarily passing as local police to ensnare our immigrant neighbors. See, e.g., Nausicaa Renner, *As Immigrants Become Aware of Their Rights, ICE Steps Up Ruses and Surveillance*, THE INTERCEPT (July 25, 2019), <https://theintercept.com/2019/07/25/ice-surveillance-ruse-arrests-raids/>.

⁵ See, e.g., Paloma Esquivel & Brittany Mejia, *Nooses in cells, rotting teeth — report details harsh conditions at Adelanto immigration facility*, L.A. TIMES (Oct. 2, 2018), available at <https://www.latimes.com/local/lanow/la-me-ln-adelanto-oig-20181002-story.html>; NGO Letter Concerning Inadequate Medical Care at Adelanto (May 15, 2015), available at <https://www.aclusocal.org/sites/default/files/wp-content/uploads/2015/05/NGO-letter-re-Adelanto-medical-care.pdf>; Human Rights Watch, American Civil Liberties Union, et al., *Code Red: The Fatal Consequences of Dangerously Substandard Medical Care in Immigration Detention* (June 2018), <https://www.hrw.org/report/2018/06/20/code-red/fatal-consequences-dangerously-substandard-medical-care-immigration>.

Outbreaks of contagious diseases at immigration prisons have been devastating. For example, the 2019 outbreak of mumps in immigration prisons caused the hospitalization of dozens of people, the quarantine of hundreds, and it spread to many workers. See, e.g., Priscilla Alvarez, *5,200 people in ICE custody quarantined for exposure to mumps or chicken pox*, CNN (June 14, 2019), <https://www.cnn.com/2019/06/14/politics/mumps-chicken-pox-quarantine-ice/index.html>. This outbreak was for a disease with an existing vaccine, and characteristics and contagiousness that were well understood. There is no way to predict the devastating consequences that a COVID-19 spread would have on the detained population—and the broader community—today.

⁶ See U.S. Immigration and Customs Enforcement, *Death Detainee Report* (accessed on Mar. 18, 2020), <https://www.ice.gov/death-detainee-report#wcm-survey-target-id>.

⁷ See, e.g., Cindy Carcamo et al., *Coronavirus is turning an overloaded immigration system into a ‘tinderbox’*, L.A. TIMES (Mar. 16, 2020), available at <https://www.latimes.com/california/story/2020-03-18/coronavirus-strains-immigration-system>.

⁸ See Eva Bitran & Grace Meng, ACLU, HRW Letter to Adelanto Detention Facility re: COVID-19 (Mar. 11, 2020), <https://www.aclusocal.org/en/aclu-hrw-letter-adelanto-re-covid-19>.

⁹ See *id.*; Carcamo et al., *supra*, note 7.

¹⁰ See, e.g., Dr. Homer Venters, *Four Ways to Protect Our Jails and Prisons from Coronavirus*, THE HILL (Feb. 29, 2020), <https://thehill.com/opinion/criminal-justice/485236-4-ways-to-protect-our-jails-and-prisons-from-coronavirus?rnd=1582932792>; Dr. Anne C. Spaulding, *Coronavirus COVID-19 and the Correctional Facility: for the Correctional Healthcare Worker* 14, 17, (Mar. 9, 2020), https://www.ncchc.org/filebin/news/COVID_for_CF_HCWC_3.9.20.pdf. On March 16, 2020, the ACLU and the Northwest Immigrant Rights Project sued ICE in the U.S. District Court Western District of Washington seeking the release of detained individuals who are at high risk for serious illness or death in the event of COVID-19 infection. See ACLU, *ACLU Sues ICE for Release of Immigrants Especially Vulnerable to COVID-19* (Mar. 16, 2020), <https://www.aclu.org/press-releases/aclu-and-nwirp-sue-ice-seeking-release-immigrants-especially-vulnerable-covid-19>.

¹¹ See CHIRLA, *Government Response to Coronavirus Must Include Immigrants and Refugees* (Mar. 16, 2020), <https://medium.com/@CHIRLA.ORG/government-response-to-the-coronavirus-must-include-immigrants-refugees-361f92f44f0e>.

¹² See Alene Tcheckmedyan et al., *L.A. County releasing some inmates from jail to combat coronavirus*, L.A. TIMES (Mar. 16, 2020), available at <https://twitter.com/NYCCouncil38/status/1239968044069212160>.

Community organizations and the Los Angeles Times Editorial Board have urged for even stronger measures. See JusticeLA, *LA County Must Act Immediately to Prevent COVID-19 Deaths in Jail System* (Mar. 15, 2020), <http://justicelaw.org/wp-content/uploads/2017/08/LA-Jails-COVID-19-Advocacy-Group-Letter-03.15.20.pdf>; L.A. Times Editorial Bd., *Editorial: Coronavirus makes jails and prisons potential death traps. That puts us all in danger*, L.A. TIMES (Mar. 18, 2020), available at <https://www.latimes.com/opinion/story/2020-03-18/coronavirus-prisons-releases>.

¹³ See U.S. Immigration and Customs Enforcement, *ICE Guidance on COVID-19* (accessed on Mar. 18, 2020), <https://www.ice.gov/covid19>.

¹⁴ Given that Guatemala and El Salvador have suspended all deportation flights from the United States, and Mexico may soon follow, there may be an increase in individuals detained after they are ordered removed, leading to further overcrowding at the Adelanto immigration prison. See Carcamo et al., *supra*, note 7; Reuters, *El Salvador Suspends Deportations From U.S., Mexico Over Coronavirus*, N.Y. TIMES (Mar. 18, 2020), available at

<https://www.nytimes.com/reuters/2020/03/18/world/americas/18reuters-health-coronavirus-el-salvador-deportations.html>.

¹⁵ On March 17, 2020, the Council of the City of New York submitted a letter to ICE calling for the suspension of immigration enforcement and the release of detainees in order to combat the spread of COVID-19 and protect the public health. *See* New York City Council Member Carlos Menchaca's Tweet (Mar. 17, 2020, 10:33 am), <https://twitter.com/NYCCouncil38/status/1239968044069212160>.