



March 13, 2020

**Via email and U.S. first-class mail to:**

Michelle Lujan Grisham  
Office of the Governor  
490 Old Santa Fe Trail Room 400  
Santa Fe, NM 87501

**Re: COVID-19 Preparation and Response in New Mexico**

Dear Governor Lujan Grisham:

We are writing to you regarding a dire and potentially fatal emerging situation in New Mexico's immigration detention facilities. We urge you to immediately demand that county administrators develop evidence-based and proactive plans for the prevention and management of COVID-19 at Cibola County Correctional Center, Torrance County Detention Facility, and Otero County Processing Center. We are requesting a written response from administrators of these facilities, detailing their plans to protect the health of the people in their custody and the people who work in the detention centers.

Given the medical nature of the present public health crisis around the world and the history of inadequate medical care in New Mexico's immigration detention centers, we are deeply concerned about the detention centers' preparedness to manage a coronavirus outbreak situation.

People in detention centers are highly vulnerable to outbreaks of contagious illnesses. They are housed in close quarters and are often in poor health. Without the active engagement of detention center administrators, they have little ability to inform themselves about preventive measures, or to take such measures if they do manage to learn of them.

On March 11, 2020, we sent a letter sent to all three of New Mexico's immigration detention centers, we asked the wardens to immediately reach out to the New Mexico Department of Health and ICE to develop plans to address the virus in the immigration detention system. This is an urgent matter. As of this morning, there have been ten presumptively positive cases of coronavirus in our state. Having an appropriate, evidence-based plan in place can help prevent an outbreak and minimize its impact if one does occur. Not having one may needlessly increase medical costs, subject the county to civil liability given previous incidents of medical neglect in immigration facilities, and result in the negligent loss of lives.

While the plan should be developed collaboratively by the detention center administrators, the New Mexico Department of Health, and ICE, some of the critical issues that must be addressed are:

- **Education of the people in their custody:** People housed in detention centers need to be informed about the virus and the measures they can take to minimize their risk of contracting or spreading the virus. They must be educated on the importance of proper handwashing, coughing into their elbows, and social distancing to the extent they can. Information about the spread of the virus, the risks associated with it, and prevention and treatment measures must be based on the best available science.
- **Education of the staff:** Officers, administrators, and medical staff all must be educated about the virus to protect themselves and their families, as well as the people in their custody.
- **Staffing plans:** Regardless of how many staff stay home because they are sick, the detention centers will have to continue functioning if they choose not to release the people in their custody. There must be a plan for how necessary functions and services will continue if large numbers of staff are out with the virus.
- **Staffing plans for services provided by detainees:** Many tasks in detention centers, such as food preparation and basic sanitation, are performed by detainees. The plans for an outbreak must also address how necessary tasks performed by detainees will continue if large numbers of detainees are ill.
- **Provision of hygiene supplies:** The most basic aspect of infection control is hygiene. There must be ready access to warm water and adequate hygiene supplies, both for handwashing and for cleaning.
- **Screening and testing of the people in custody:** The plan must include guidance, based on the best science available, on how and when to screen and test people in the facilities for the virus.
- **Housing of persons exposed to the virus:** The plan must describe how and where people in the immigration detention system will be housed if they are exposed to the virus, are at high risk of serious illness if they become infected, or become sick with it. *This should not result in prolonged, widespread lock-downs.* Any lock-downs or interruptions in regular activities, such as exercise or visits and phone calls with families or attorneys, should be based solely on the best science available and should be as limited as possible in scope and duration.
- **Treatment:** Courses of treatment must be evidence-based, available immediately, and in compliance with scientifically-based public health protocols.
- **Vulnerable Populations:** The plan must provide for additional precautions for those who are at high risk of serious illness if they are infected, such as pregnant women and people with chronic illnesses, compromised immune systems, or disabilities. We strongly urged the wardens to ask ICE consider issuing humanitarian parole to all individuals in their facilities, particularly those who are vulnerable to serious illness.
- **Data collection:** The collection of data regarding COVID-19 will be part of the public health response. As with any contagious disease, data collection is critical to understanding and fighting the virus. The immigration detention system must be part of this process. The same information that is tracked in the community must be tracked in the detention centers.

In hopes that unnecessary tragedies can be averted, we ask that you put pressure on the administration of New Mexico's immigration detention centers to ensure transparency, accountability, and adequate measures of preparation. We insist that the office of the governor take a proactive stance to require all three immigration detention centers to release to the public a plan for managing the impending Coronavirus.

Furthermore, healthcare facilities must be immigration enforcement-free zones so that immigration status does not prevent a person from seeking care. The COVID-19 response should not be linked to immigration enforcement in any manner. It will undermine individual and collective health if individuals do not feel safe to utilize care and respond to inquiries from public health officials, such as during contact tracing. Similar enforcement-free zones have been declared during hurricanes and other emergencies.<sup>1</sup> These policies should be clearly and unequivocally articulated to the public by the federal, state, and local governments to protect undocumented immigrants and mixed status families in our state.

Lastly, government must also actively prevent discrimination and scapegoating of individuals or groups. In the context of COVID-19, Chinese-American and other Asian-American communities have already begun to face attacks on individuals linked to fears about the virus. We ask that you speak out against discrimination and xenophobia against Asian-Americans, other immigrant communities, and religious groups.

Please provide us with a written response within one week of receiving this letter.

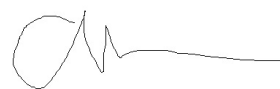
Sincerely,



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<sup>1</sup> *Achieving A Fair and Effective COVID-19 Response: An Open Letter to Vice-President Mike Pence, and Other Federal, State and Local Leaders from Public Health and Legal Experts in the United States*, [https://law.yale.edu/sites/default/files/area/center/ghjp/documents/final\\_covid-19\\_letter\\_from\\_public\\_health\\_and\\_legal\\_experts.pdf](https://law.yale.edu/sites/default/files/area/center/ghjp/documents/final_covid-19_letter_from_public_health_and_legal_experts.pdf)

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