



March 13, 2020

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

Pamela Heltner
Otero County Manager
1101 New York Avenue
Room 106
Alamogordo, NM 88310
pheltner@co.otero.nm.us

Re: COVID-19 Preparation and Response

Dear Ms. Heltner:

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

Given the present public health crisis around the world and the history of inadequate medical care at OCPC, we are deeply concerned about the detention center's preparedness to manage a coronavirus outbreak. As you know, Otero County entered into a contract with Management & Training Corporation to house administrative detainees on behalf of the federal government. As the principal party to enter into this contract to operate the facility, the county is required to ensure that adequate medical services are provided to detainees. We are requesting that the county work with MTC and other relevant parties to ensure the development of evidence-based and proactive plans for the prevention and management of COVID-19.

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 the detention center administration, 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 Otero County Processing Center asking the warden to immediately reach out to the New Mexico Department of Health, U.S. Immigration and Customs Enforcement (ICE), the Management and Training Corporation and other relevant parties 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 facility, 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 a detention center 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 facility, 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 Otero County Processing Center to ensure transparency, accountability, and adequate measures of preparation. We insist that your county take a proactive stance to require Otero County Processing Center to release to the public a plan for managing the impending Coronavirus.

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

Sincerely,



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