



March 11, 2020

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

Chad Miller

Warden

Torrance County Detention Facility

209 County Road AO49

Estancia, NM 87016

Chad.Miller@corecivic.com

Re: COVID-19 Preparation and Response

Dear Warden Miller:

We are writing to urge you to immediately develop evidence-based and proactive plans for the prevention and management of COVID-19 in the Torrance County Detention Facility. We are requesting a written response detailing your plans to protect the health of the people in your custody and the people who work in the detention centers.

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.

We ask that you 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 three confirmed cases of coronavirus in New Mexico. 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 increase medical costs that could have been prevented, may increase liability given previous incidents of medical neglect in immigration facilities, and may cost lives.

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

- **Education of the people in your 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 you choose not to release the people in your 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 your custody:** The plan must include guidance, based on the best science available, on how and when to screen and test people in your 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 urge you to consider issuing humanitarian parole to all individuals in your facility, including those who are particularly 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.

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

Sincerely,



Adriel D. Orozco
Executive Director
New Mexico Immigrant Law Center
(505) 247-1023
aorozco@nmilc.org



Joachim Marjon
Immigrants' Rights Attorney
ACLU of New Mexico
(505) 266-5915 ext. 1007
jmarjon@aclu-nm.org



Allegra Love
Executive Director
Santa Fe Dreamers Project
(505)490-2789
allegra@santafedreamersproject.org



Zoila Y. Alvarez Hernández
Immigrants' Rights Legal Fellow, Corinne
Wolfe Fellow for Transformative Advocacy
ACLU of New Mexico
(505) 266-5915 ext. 1027
zalvarez@aclu-nm.org

CC:

Kathy Kunkel
Cabinet Secretary, New Mexico Department of Health
kathy.kunkel@state.nm.us