

Thursday, May 27th, 2021

SENT VIA EMAIL

John Fabbriatore
Field Office Director, Denver Field Office
12445 E. Caley Avenue
Centennial, CO 80111
John.Fabbriatore@ice.dhs.gov



303 E 17th Avenue,
Suite 350
Denver CO 80203
720-402-3112
aclu-co.org

**Deborah
Richardson**
Executive Director

Stephen Meswarb
Deputy Director

Warden Johnny Choate
Aurora ICE Processing Center
3130 North Oakland Street
Aurora, CO 80010
jchoate@geogroup.com

John M. Douglas, Jr., MD
Tri-County Health Department
6162 South Willow Drive
Suite 100
Greenwood Village, CO 80111
jmdouglas@tchd.org

**Re: COVID-19 Vaccine Availability in ICE Detention
Facilities in the Denver Field Office**

Dear John Fabbriatore:

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 5 times greater than in prisons.^[1] COVID-19 outbreaks in ICE detention have led to the rapid spread of the virus in surrounding communities, leading many to label ICE a “superspreader agency.”^[2] As of May 20, 2021, over 15,000 immigration detained people have been infected with COVID-19, and at least nine detained people have died after contracting COVID-19 in ICE custody.^[3] In Colorado’s main detention facility alone, at least 367 detained people have contracted COVID-19, making it the site of one of the largest COVID-19 outbreaks in ICE detention facilities nationwide.^[4]

ICE's current COVID-19 protocol states that "all detention facilities are responsible for ensuring their ICE detained people 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."^[5] 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.^[6] 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.^[7] Meanwhile, COVID-19 outbreaks continue to spread in several detention facilities nationwide, including at the Aurora ICE Processing Center.^[8] In late April 2021, nearly 100 detained people and one employee tested positive after an influx of new arrivals and transfers, prompting concerns from advocates and U.S. Congressman Jason Crow for the health and safety of detained people, staff and the community at large.^[9]

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 166,000 doses of the COVID-19 vaccine to prisoners and staff.^[10] By mid-May, the Bureau of Prisons has offered vaccines to *all* incarcerated individuals in federal prisons.^[11]

Given the urgency posed by COVID-19—including the introduction of new variants and continued outbreaks throughout detention centers across the country and state of Colorado from increased population numbers—it is imperative that you act quickly to provide vaccines to all detained people and staff at Aurora. We request that the Denver 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 detained people 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 detained people.
- Ensure that all detained people who have previously declined vaccinations be reoffered vaccination at regular intervals, with the provision of educational materials.
- Ensure that detained people 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 detained people 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 Colorado:

1. The number and percentage of immigrant detained people at each facility who have received a COVID-19 vaccine. Please provide information as to whether detained people have received a full dose, or are awaiting full vaccination.
2. The number and percentage of immigrant detained people 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 detained people.
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 detained people and staff members.
6. A copy of vaccine-related education that has been or will be provided to detained people and staff at each facility.
7. A description of the Denver ICE Field Office's efforts to work with local, state, and federal officials, and facility administrators regarding vaccine procurement and distribution for immigrant detained people.

Please provide us with a written response within one week of receipt. We appreciate your prompt attention to this matter. Please contact Denise Maes, Public Policy Director, DMAes@aclu-co.org with any questions.

The Undersigned,
ACLU of Colorado
American Friends Service Committee
Colorado Association for School-Based Health Care
Center for Health Progress
Clinica Colorado
Colorado Fiscal Institute
Colorado Immigrant Rights Coalition
Colorado Latino Leadership Advocacy and Research Organization
Colorado Medical Coalition for Human Rights
Colorado Organization for Latina Opportunity and Reproductive Rights (COLOR)
Rocky Mountain Immigrant Advocacy Network
Tri-County Health Network
United Today, Stronger Tomorrow

^[1] 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>.

^[2] 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.

^[3] ICE, COVID-19 ICE Detainee Statistics by Facility, <https://www.ice.gov/coronavirus#detStat> (last checked May 20, 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; see *supra* notes 1-2.

[4] Crow et al., *ICE AURORA CONTRACT DETENTION CENTER ACCOUNTABILITY REPORT ELECTRONIC REQUEST* 2021 <https://crow.house.gov/sites/crow.house.gov/files/ICE%20Report%205.12.21%20FINAL.pdf>

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

[6] 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/>.

[7] 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/>.

[8] ICE, *COVID-19 ICE Detainee Statistics by Facility*, <https://www.ice.gov/coronavirus#detStat> (last checked May 21, 2021).

[9] Associated Press, *Aurora ICE detention facility reports 100 COVID-19 cases* (Apr. 28, 2021), <https://apnews.com/article/aurora-business-coronavirus-immigration-government-and-politics-eab24cfa654cf7f153480dfddd83fc8a>.

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

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

Disponibilidad de la vacuna COVID-19 en la detención de ICE Instalaciones en la oficina local de Denver

Estimado John Fabbriatore:

Durante la pandemia de COVID-19, Inmigración y los centros de detención del Servicio de Control de Aduanas (ICE) se encuentran entre los lugares más peligrosos de los Estados Unidos. Contagio de COVID-19 en los centros de detención de ICE son 20 veces más altas que las de la población general, y 5 veces mayor que en las cárceles. Los brotes de COVID-19 en la detención de ICE han provocado la rápida propagación del virus en las comunidades circundantes, lo que lleva a muchos a etiquetar a ICE como un "Agencia super esparcidora."

Desde el 20 de mayo de 2021, más de 15,000 inmigrantes detenidos han sido infectados con COVID-19, y al menos nueve personas detenidas han muerto después de contraer COVID-19 en custodia de ICE. En el principal centro de detención de Colorado, al menos 367 personas detenidas han contraído COVID-19, lo que lo convierte en el sitio de uno de los mayores brotes de COVID-19 en los centros de detención de ICE a escala nacional.

El protocolo COVID-19 actual de ICE establece que "todos los centros de detención son responsables de garantizar que a sus detenidos de ICE se les ofrezca la vacuna COVID de acuerdo con las prioridades y la orientación del estado. El personal del centro de detención debe comunicarse con el recurso de vacunas COVID-19 de su estado. . . para obtener la vacuna." Sin embargo, esta política ha dado lugar a brechas importantes en la vacunación, incluso cuando ahora hay un excedente en el suministro de la vacuna COVID-19 en los Estados Unidos.

La gran mayoría de las personas detenidas por ICE aún no han recibido una dosis: el director interino de ICE, Tae Johnson, informó recientemente al congreso que solo el 20 por ciento de las personas detenidas por ICE en todo el país han recibido al menos una inyección de COVID-19.

En muchas instancias, agencias públicas estatales y locales han declarado públicamente que el gobierno federal tiene la responsabilidad de proporcionar vacunas COVID-19 a las personas bajo custodia federal de ICE. Mientras tanto, los brotes de COVID19 continúan propagándose en varios centros de detención

en todo el país, incluso en el Centro de procesamiento de Aurora ICE. A fines de abril de 2021, casi 100 detenidos y un empleado dieron positivo después de una afluencia de recién llegados y transferencias, lo que generó preocupaciones de los defensores y del congresista estadounidense Jason Crow por la salud y la seguridad de las personas detenidas, el personal y la comunidad en general. En contraste con la fallida estrategia de vacunación de ICE, la Oficina Federal de Prisiones, que trabajó para asegurar las dosis de vacuna directamente del gobierno federal, ha administrado más de 166,000 dosis de la vacuna COVID-19 a los presos y al personal. A mediados de mayo, la Oficina de Prisiones ha ofrecido vacunas a todas las personas encarceladas en las cárceles federales.

Dada la urgencia que representa el COVID-19, incluida la introducción de nuevas variantes y los brotes continuos en los centros de detención en todo el país y el estado de Colorado debido al aumento de la población, es imperativo que actúe rápidamente para proporcionar vacunas a todas las personas detenidas y al personal en Aurora. Solicitamos que la oficina de campo de ICE de Denver:

- Coordine inmediatamente con las agencias de salud pública locales, estatales y federales para asegurar suficientes vacunas COVID-19 en cada centro de detención de ICE en su jurisdicción para garantizar que cada persona detenida y miembro del personal pueda ser vacunado. El suministro de vacunas debe ser suficiente y continuo para garantizar que se puedan proporcionar vacunas a todos los nuevos detenidos en el momento de su admisión al centro.
- Asegúrese de que se proporcionen materiales educativos lingüística y culturalmente apropiados a las personas detenidas y al personal antes de ofrecer las vacunas COVID-19. Permitir que las organizaciones de partes interesadas locales proporcionen materiales educativos complementarios para distribuirlos a los detenidos.
- Asegurar que a todos los detenidos que hayan rechazado las vacunas previamente se les vuelva a ofrecer la vacuna a intervalos regulares, con el suministro de materiales educativos.
- Asegurar que los detenidos puedan solicitar una vacuna enviando una llamada por enfermedad o una solicitud de

servicios de salud, y que se les proporcione una vacuna dentro de las 48 horas posteriores a la solicitud.

- Asegurar de que se hagan arreglos de vacunación para todos los detenidos que hayan recibido la primera dosis de una vacuna tenga el segundo dosis programado para su liberación o transferencia después de recibir solo la dosis inicial.

También le solicitamos que nos proporcione una respuesta por escrito detallando la siguiente información sobre la distribución de vacunas en los centros de detención de inmigrantes en Colorado:

1. El número y porcentaje de inmigrantes detenidos en cada instalación que han recibido la vacuna COVID-19. Proporcione información sobre si los detenidos han recibido una dosis completa o si están esperando la vacunación completa.
2. El número y porcentaje de inmigrantes detenidos en cada instalación que haya rechazado la vacuna COVID-19.
3. El número de dosis de vacuna COVID-19 disponibles en el sitio en cada instalación para la vacunación de detenidos.
4. La cantidad y el porcentaje de personal, incluido ICE y contratistas externos, que han recibido o rechazado una vacuna COVID-19.
5. Una descripción y un cronograma proyectado de sus planes para vacunar a los inmigrantes detenidos y miembros del personal restantes.
6. Una copia de la educación relacionada con la vacuna que ha sido o será se proporcionará a los detenidos y al personal de cada instalación.
7. Una descripción de los esfuerzos de la Oficina de Campo del ICE de Denver para trabajar con funcionarios locales, estatales y federales, y las instalaciones administradoras con respecto a la adquisición de vacunas y distribución para inmigrantes detenidos.

Envíenos una respuesta por escrito en el plazo de una semana a partir de la fecha de recepción. Agradecemos su pronta atención a este asunto. Si tiene alguna pregunta, comuníquese con Denise Maes, Directora de Políticas Públicas, DMAes@aclu-co.org.

Atentamente,
ACLU of Colorado
American Friends Service Committee
Colorado Association for School-Based Health Care
Center for Health Progress
Clinica Colorado
Colorado Fiscal Institute
Colorado Immigrant Rights Coalition
Colorado Latino Leadership Advocacy and Research Organization
Colorado Medical Coalition for Human Rights
Colorado Organization for Latina Opportunity and Reproductive Rights (COLOR)
Rocky Mountain Immigrant Advocacy Network
Tri-County Health Network
United Today, Stronger Tomorrow