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Assembly California Legislature



COMMITTEES
APPROPRIATIONS
COMMUNICATIONS AND CONVEYANCE
GOVERNMENTAL ORGANIZATION
HEALTH

October 12, 2020

Acting Director Sandra Shewry, MPH, MSW
California Department of Public Health
Sacramento, CA 95814

Re: ICE Raids Public Health Concern

Dear Acting Director Shewry,

As members of the State Legislature, we are contacting your office with respect to a public health concern that presents a unique and ever-growing challenge to our community during the COVID-19 pandemic.

According to reports in the press Immigration and Customs Enforcement (ICE) is preparing to conduct an "enforcement blitz" in the month of October, which targets U.S. cities and jurisdictions that have adopted "sanctuary" policies. According to reports, this operation has already commenced.

While we very clearly understand that the enforcement of immigration laws and the operation of detention facilities used to house immigrants is within the jurisdiction of the federal government, we are also aware that all ICE detention facilities are subject to certain mandatory requirements, including but not limited to the following:

- Each facility should "comply with current and future plans implemented by federal, state or local authorities addressing specific public health issues including communicable disease reporting requirements."¹
- Each facility should actively engage with local health departments to understand in advance which public health entity has jurisdiction over public health measures for COVID-19 in the facility. ²
- Each facility must develop a COVID-19 mitigation plan. Administrators should plan and prepare for COVID-19 by "[c]oordinating with public health and correctional partners." As

¹ ICE Performance-Based National Detention Standards (PBNDS) for 2008 and 2011

² This requirement is from CDC Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities pg 5, guidance which is mandatory for all ICE detention facilities.

well as “[i]dentify points of contact in relevant state, local, tribal, and/or territorial public health departments before cases develop.”³

Our offices are particularly concerned that this operation is in direct contradiction with state public health laws and mandates, and in fact ICE’s Enforcement and Removal Operations COVID-19 Pandemic Response Requirements. This guidance issued by ICE requires mandatory compliance with CDC’s Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities. The CDC guidance on detention specifically requires detention facilities to limit transfers of individuals to and from facilities unless absolutely necessary.

According to two officials cited in press reports, the planned operation is intended to be a “political messaging campaign” by ICE. This raises very serious questions about whether ICE is choosing to violate mandatory and specific guidance to achieve political objectives as an agency.

There have been COVID-19 outbreaks in four of the five detention facilities in the state of California, and transfers into two of these facilities have been halted as a result of litigation focused on ICE’s inability to properly address the health and safety of those detained.

In addition to the threat posed to those inside detention we are seriously concerned about the impact this has on public health as a whole. A study published in the [Journal of Urban Health](#) on the spread of COVID-19 in immigrant detention facilities estimates that coronavirus outbreaks among a minimum of 65 ICE facilities (59%) would overwhelm ICU beds within a 10-mile radius and outbreaks among a minimum of 8 ICE facilities (7%) would overwhelm local ICU beds within a 50-mile radius over a 90-day period, provided every ICU bed was made available for sick detainees.⁴

To that end, we would kindly like to have the following questions addressed in writing:

- 1.) What, if any, coordination or collaboration has taken place between ICE detention operators and your office?
- 2.) Which state health agency is responsible for coordination with ICE detention facilities or operators? Are you willing to request information from relevant state agencies regarding their coordination or lack thereof with ICE on public health grounds?
- 3.) Are ICE detention facilities currently in compliance with state and federal COVID-19 reporting requirements?
- 4.) The ICE Enforcement and Removal Operations (ERO) COVID-19 Pandemic Response Requirements requires coordination with public health partners. Is this operation being coordinated with these partners at the state and local level?
- 5.) Does your office have an assessment of the potential impact a statewide enforcement operation may have on public health resources and community safety?

³ *Id.* at pg 6

⁴ Modeling COVID-19 and Its Impacts on U.S. Immigration and Customs Enforcement (ICE) Detention Facilities, 2020 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7228433/>

6.) What steps has ICE taken to coordinate with California local and state public health authorities, as required by the ERO COVID-19 Pandemic Response Requirements?

Please contact Assemblymember Bonta's Legislative Director Maheen Ahmed at maheen.ahmed@asm.ca.gov or 916.319.2018 to provide the answers to the questions above or if you have any questions.

Sincerely,



Rob Bonta
Assemblymember, 18th Assembly District



Miguel Santiago
Assemblymember, 53rd Assembly District



Autumn Burke
Assemblymember, 62nd Assembly District



Scott Wiener
Senator, 11th Senate District



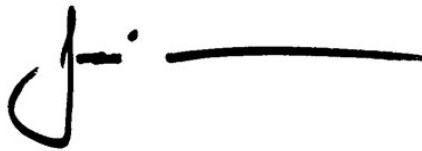
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Assemblymember, 17th Assembly District



Cecilia Aguiar-Curry
Assemblymember, 4th Assembly District



Phil Ting
Assemblymember, 19th Assembly District



Jose Medina
Assemblymember, 61st Assembly District



Marc Levine
Assemblymember, 10th Assembly District



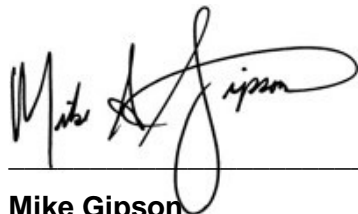
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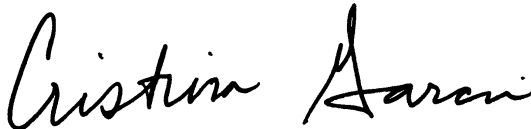
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Buffy Wicks
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Assemblymember, 58th Assembly District



Monique Limon
Assemblymember, 37th Assembly District



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Senator, 9th Senate District



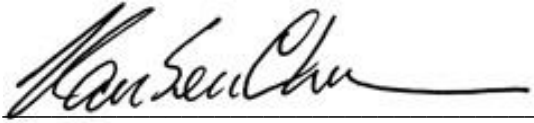
Ash Kalra
Assemblymember, 27th Assembly District



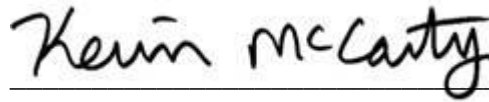
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Assemblymember, 54th Assembly District



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Kansan Chu
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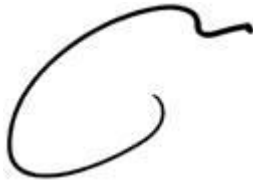
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Assemblymember, 7th Assembly District



Reggie Jones-Sawyer
Assemblymember, 59th Assembly District



Maria Elena Durazo
Senator, 24th Senate District



Mike McGuire
Senator, 2nd Senate District



Steven Bradford
Senator, 35th Senate District

CC: Monica Wagoner, Deputy Director