



Kathy Culliton-Gonzalez
Officer for Civil Rights & Civil Liberties
Department of Homeland Security
245 Murray Lane, SW
Building 410, Mail Stop #0190
Washington, D.C. 20528
CRCLCompliance@hq.dhs.gov

The Honorable Joseph V. Cuffari
DHS Inspector General
Office of Inspector General/Mail Stop 0305
Attn: Office of Investigations - Hotline
U.S. Department of Homeland Security
245 Murray Lane SW Washington, DC 20528-0305
dhs-oig.officepublicaffairs@oig.dhs.gov

March 22, 2021

RE: Medical Neglect and COVID-19 Negligence at Stewart Detention Center

Dear Officer for Civil Rights & Civil Liberties Culliton-Gonzalez and DHS Inspector General Cuffari:

El Refugio, Freedom for Immigrants, and Project South submit this complaint on behalf of Anderson Delroy, Raymond Anthony Sharpe, Edwin Mejia, Wilmer Guzmán-Rivera, four individuals who only identify by their initials, and 62 others who wish to remain anonymous due to fear of retaliation, amongst whom are 59 co-signers to a public letter of concern. All are currently detained or have previously been detained at Stewart Detention Center and have reported violations of their civil rights, including medical neglect and egregious COVID-19 endangerment due to COVID-19 precaution violations since the beginning of the pandemic. The negligence and abuse experienced has been reported through the El Refugio Local Hotline, letters to El Refugio, and the Freedom for Immigrants National Hotline. Reports from October 2020 to present alleged issues of medical neglect, lack of releases for individuals with risk factors, dangerous cohorting of those well and sick and inadequate infection control, lack of social distancing, inconsistent use of PPE, inadequate hygiene and disinfection practices, lack of COVID-19 testing, misinformation, and retaliation. These issues have led Stewart Detention Center to have the highest detention death toll in the country due to COVID-19, as well as one

of the highest reported rates of infection.¹ These concerns are in direct violation of ICE's ERO COVID-19 Pandemic Response Requirements, ICE's Performance Based National Detention Standards (PBNDS) 2011 and the U.S. Constitution and put both people in detention and CoreCivic employees at risk of contracting COVID-19.

ICE and Stewart Detention Center (SDC) have an obligation to abide by the requirements set forth by ICE Enforcement and Removal Operations (ERO) and the Centers for Disease Control (CDC). ERO issued "mandatory requirements to be adopted by all detention facilities, as well as recommended best practices, to ensure that detainees are appropriately housed and that available mitigation measures are implemented during this unprecedented public health crisis."² Despite ERO guidelines, the spread of COVID-19 at SDC has not at all been mitigated; with 491 total positive cases as of March 15, 2021, this is a facility with one of the highest rates in the country.³ In actuality, that number is expected to be larger due to a lack of testing. In addition to the 491 positive cases, four people have died from COVID-19 complications while in custody at SDC between May 2020 and January 2021, again, the highest death rate in detention of COVID-19 in the country. Their names are Santiago Baten Oxlaj, Freddy Guillen Vega, Cipriano Chavez Alvarez, and Felix Montes de Oca.

From 2019 to present, El Refugio has submitted eight CRCL complaints regarding medical neglect, retaliatory unlawful deportation of people publicly reporting medical abuse in ICE custody, and lack of COVID-19 precautions at SDC, with only one of those CRCL complaints resulting in a preliminary investigation. Years of data and testimony from people in ICE custody has been proven that ICE and CoreCivic are incapable of providing adequate medical care and keeping people safe from harm at SDC. In order to prevent more deaths and illness from occurring, the only possible recourse is the release of all people in ICE custody.

The following are detailed reports regarding the above allegations of civil rights violations.

Medical Neglect

"I have not received my diabetes medication for three days. As a result, my blood sugar levels are 350, 291, and 449 on three separate occasions. I am also experiencing numbness in one of my legs and headaches are complications of my untreated diabetes."

- E.G.T. call to the El Refugio Local Hotline on March 1, 2021

Stewart Detention Center (SDC) "is notorious for abuse, medical neglect, and in-custody deaths." ⁴ Since the facility opened in 2008, advocates and legal service providers lodged a

¹ ICE Detainee Statistics <https://www.ice.gov/coronavirus#citations>, March 15, 2020

² ERO COVID-19 Pandemic Response Requirements (Version 5.0, October 27, 2020, page 5)

³ ICE Detainee Statistics <https://www.ice.gov/coronavirus#citations>, March 15, 2021.

⁴ "ICE is now detaining women at one of the nation's most deadly facilities Notorious for lethal medical neglect, Stewart Detention Center will now oversee women's sexual and reproductive health care," Tania Vazquez, Prison, Feb 2, 2021, available here:

<https://www.prismreports.org/article/2021/2/2/ice-now-detaining-women-at-one-of-nations-most-deadly-facilities>

significant amount of reports and complaints of abuse and neglect at SDC.⁵ An investigation from the Office of Civil Rights and Civil Liberties (CRCL) was conducted in 2017 for medical neglect at Stewart Detention Center. Despite this investigation, medical issues clearly remain an ongoing issue, proving that ICE, CoreCivic, and Stewart County have not made significant changes in the inadequate care provided to people detained.⁶ One testimony highlighted that people at SDC were given “wretched food, ice cold showers” and shared that he “lost 20 pounds in his first month at the facility.”⁷ In addition to not providing basic medical care, the CRCL reported that people detained at Stewart Detention Center were subject to excessive force by guards despite being medically vulnerable.^{8 9}

ICE, Core Civic, and Stewart County have a constitutional obligation to provide adequate medical care to everyone detained. See generally *Estelle v. Gamble*, 429 U.S. 97 (1976). This medical neglect is also in violation of both the U.S. Constitution and ICE’s own Performance Based National Detention Standards (PBNDS) 2011. The Freedom for Immigrants National Hotline and the El Refugio Local Hotline have received multiple reports in recent months of individuals detained at Stewart Detention Center who have chronic illnesses and are not being treated, nor have been released as medically vulnerable for COVID-19 per ICE’s own policies:

- On November 20, 2020, R.I. reported to the El Refugio Local Hotline that he has high blood pressure and believes that the medication he is given is not working.
- On November 20, 2020, J.C.C.R. reported to the El Refugio Local Hotline that he has high blood pressure but believes that it is not being appropriately treated.
- On January 20, 2021, R.M.G. reported to the El Refugio Local Hotline that he was diagnosed with tuberculosis and that the doctor recommended intensive care because it affected his lungs, but Stewart Detention Center did not provide any further care to address this.

The Performance Based National Detention Standards (2011) state “detention and health care personnel shall be trained annually to respond to health-related situations within four minutes” and “when a non-medical employee is unsure whether emergency care is required, he/she shall immediately notify medical personnel to make the determination.”¹⁰ Many of the medical needs of people detained at Stewart Detention Center are not addressed and when they do receive medical attention, the medical care is completely inadequate.

⁵ CRCL filed on May 15, 2012, by the American Civil Liberties Union (ACLU) of Georgia regarding immigration detention conditions at Georgia facilities, including Stewart Detention Center, available here:

<https://www.dhs.gov/publication/close-memo-onsite-investigation-stewart-detention-center-lumpkin-georgia>

⁶ Andrew Free, CRCL Stewart Oversight 2017-2021, available here:

<https://www.muckrock.com/foi/united-states-of-america-10/crcl-stewart-oversight-2017-2021-105740/>

⁷ “Detainees Report Outbreaks, Excessive Force at ICE Detention Facilities,” Lili Levin, Queen City Nerve, January 7, 2021, available here: <https://qcnerve.com/ice-detention-facilities-covid-19/>

⁸ “Immigrants at privately run ICE detention center were thrown out of wheelchairs when they asked for medical help,” Gaby Del Valle, José Olivares, July 23, 2020, available here:

<https://theintercept.com/2020/07/23/ice-guards-excessive-force-sick-immigrants/>

⁹ “Feature: “Turn off the cameras”: deported Salvadoran tells of abuse in U.S. custody,” XinhuaNet, June 18, 2020, available here: http://www.xinhuanet.com/english/2020-06/18/c_139147338.htm

¹⁰ ICE Performance Based National Detention Standards 2011 (Revised 2016, 4.3, page 272)

- On January 29, 2021, a person who wished to remain anonymous called the El Refugio Local Hotline and reported that a man had fallen on the floor and was shaking and yelling in pain. It took 40 minutes for the medical team to arrive and care for the man.
- On December 18, 2020, J.A.A. reported to the Freedom for Immigrants National Hotline that a dentist broke his tooth and that since then, 3 months had passed and the dentist has not fixed the tooth. On December 25, 2020, Raymond Anthony Sharpe reported to the Freedom for Immigrants National Hotline that his sickle cell disease is not being treated by ICE or Stewart Detention Center.
- On February 2, 2021, A.D.J.C.G. reported that he is diabetic and has high blood pressure and high cholesterol and that sometimes SDC doesn't provide the medicine one needs to survive. He reports that there has been up to eight days without his medication.
- On November 20, 2020, E.G.T. reported to the El Refugio Local Hotline that he suffers from constant pain in one of his testicles which has been swollen for over a year. He reports that prior to being detained, a doctor recommended that he undergo surgery as soon as possible but had still not received the surgery.

In the examples above, it takes repeated requests, multiple days, and even months in order for a medical professional to address an individual's urgent medical needs. Given that we are in an international pandemic with COVID-19 exacerbating resources and personnel, ERO COVID-19 Pandemic Response Requirements state that "if a facility is not able to provide [appropriate] evaluation and treatment, a plan must be in place to safely transfer the individual to another facility or local hospital."¹¹ In other words, if the medical neglect is a result of fewer staff members or other COVID-19 related shortages of resources, Stewart Detention Center is still required to implement a contingency plan to provide adequate medical attention. As reported, Stewart Detention Center has not followed this protocol when handling COVID-19 cases, directly putting COVID-19 positive people at risk for further complications.

Lack of releases for individuals with risk factors

"Stewart Detention Center in Georgia has an outbreak of COVID-19 and already had multiple deaths. We are high-risk individuals who have diabetes, asthma, high heart pressure, sickle cell disease, medical issues, and other pre-existing conditions including being a chemo survivor yet we are still being detained."

- Call from Anderson Delroy to the Freedom for Immigrants National Hotline on December 18, 2020

COVID-19 affects people in different ways, with some known to be at greater risk for experiencing severe complications or death than others due to age or pre-existing conditions. The ERO COVID-19 Pandemic Response Requirements reflect this legal precedent by requiring "all detainees age 55 and older [to] be identified, tracked, and have a custody review completed in a timely manner."¹² In the month of December alone, Freedom for Immigrants received nine

¹¹ ERO COVID-19 Pandemic Response Requirements (Version 5.0, October 27, 2020, page 18)

¹² ERO COVID-19 Pandemic Response Requirements (Version 5.0, October 27, 2020, page 19)

reports of individuals who are high-risk individuals with diabetes, asthma, high blood pressure, sickle cell disease, and other preexisting conditions, yet they are still detained.¹³ This includes a 62-year-old man who suffers from hypertension, high cholesterol, and takes eight different medications. The conditions at Stewart Detention Center are inhumane and oftentimes unlivable, especially for high-risk individuals like this 62-year-old man.

- On December 18, 2020, an individual detained at Stewart who wished to remain anonymous reported to the Freedom for Immigrants National Hotline that he tested positive for COVID-19 and has high-blood pressure, is prone to heart attacks, and is a chemo cancer survivor.
- On February 2, 2021 A.D.J.C.G reported that he is diabetic, has high cholesterol and high blood pressure and that he is scared because many people around him have tested positive and he has no means of protecting himself.

The CDC and the court order in *Fraihat v. ICE* define certain high-risk populations that are at increased risk of severe illness from COVID-19.¹⁴ As set forth by the *Fraihat v. ICE* preliminary injunction and motion to enforce, ICE is required to review every case of Fraihat subclass members, including those with COVID-19 risk factors such as diabetes, hypertension, asthma, and autoimmune disorders for custody redetermination. The motion to enforce order states “only in rare cases should a subclass member not subject to mandatory detention remain detained.”¹⁵ As corroborated by above reports, these orders are clearly not being followed, risking serious illness and additional deaths at SDC. Amy Zeidan, an ER physician at Grady Memorial Hospital and co-director of The Human Rights Clinic stated “ICE must comply with mandatory CDC rules and guidelines regarding COVID-19, and most of all, release as many people as possible from immigrant detention, including by releasing people already in detention and halting enforcement unless it is connected with an urgent public safety reason.”¹⁶ As a result of the abuse and dangerous practices including lack of separation and protection of high-risk individuals, many have already been exposed and some have even died. Cipriano Chavez Alvarez “died in ICE custody from COVID-19 more than two months after a federal judge ordered his release from prison, saying his ability to defend himself from severe injury or death from the disease would be ‘substantially diminished’ while locked up due to his chronic illness.”

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¹³ Call from Anderson Delroy reported to the Freedom for Immigrants National Hotline, December 18, 2020,

¹⁴ *Fraihat v. ICE*, (C.D. Cal. Apr. 20, 2020)

¹⁵ *Fraihat v ICE Motion to Enforce Order*

¹⁶ “ICE is guilty of unsafe practices in detention centers causing COVID-19 to spread,” Dr. Amy Zeidan, The Hill, Oct 5, 2020, available here:

<https://thehill.com/opinion/immigration/519589-ice-is-guilty-of-unsafe-practices-in-detention-centers-causing-covid-19>

¹⁷ “A Judge Ordered Him Released From Prison Due To COVID-19 Concerns. He Died Of The Disease Two Months Later In ICE Custody,” Hamed Aleaziz, BuzzFeed, Sept 23, 2020, available here:

<https://www.buzzfeednews.com/article/hamedaleaziz/immigrant-released-then-dies-of-covid-in-ice-custody>

Inadequate cohorting and infection control

“Within 2 days, 40 people were transferred into Stewart Detention Center and mixed in with individuals with pre-existing conditions. The people transferred in were not tested for COVID-19 when they entered the facility.”

- Call from Anderson Delroy reported to the Freedom for Immigrants National Hotline on December 18, 2020

Between December 2020 and January 2021, Freedom for Immigrants and El Refugio have collectively received ten calls reporting that high-risk individuals were crammed in cells with multiple people. ICE, CoreCivic, and Stewart County are required “to adopt the most effective cohorting methods practicable based on the individual facility characteristics, taking into account the number of new admissions anticipated per day.”¹⁸

- On December 21, 2020, Anderson Delroy called the El Refugio Local Hotline and reported that Stewart Detention Center was placing a large group of people mixed in with individuals with high-risk pre-existing condition people.
- On December 28, 2020, a person who wished to remain anonymous called the El Refugio Local Hotline and reported the following: “I am prediabetic and they are still holding me in a 2-man cell despite the COVID-19 risk. It is packed in the unit. I bet you can barely hear me over the noise of all of the people in the room behind me.”
- On December 18, 2020, L.G.S. reported to the Freedom for Immigrants National Hotline that ICE claims he is high risk and does not allow him to eat in the cafeteria but contradicts that statement by giving him a new cellmate who was not tested for COVID-19.
- In a letter received by El Refugio on February 23, 2021, Wilmer Guzmán-Rivera and 59 co-signers also reported the overcrowding they have experienced during the pandemic, which in no way is in alignment with the ERO’s Pandemic Response Requirements.

If ICE, CoreCivic, and Stewart County will not release high-risk individuals, they should take more dramatic and intentional measures to protect these individuals. The ERO COVID-19 Pandemic Response Requirements state that ICE, CoreCivic, and Stewart County should house “COVID-19 positive detainees determined to be at high-risk of complications from COVID- 19 or more severely affected symptomatic detainees in the medical housing unit or infirmary area of the facility or, if unavailable, hospitalized as detailed below.”¹⁹ Despite the multiple deaths from COVID-19, this is not happening at Stewart Detention Center.

- On December 18, 2020, D.T. reported to the Freedom for Immigrants National Hotline that Stewart Detention Center is bringing in more people into the high-risk unit but that the facility is already overcrowded.
- On December 19, 2020, F.R. reported to the Freedom for Immigrants National Hotline that he is considered to be at high-risk of contracting COVID-19 because he has high

¹⁸ ERO COVID-19 Pandemic Response Requirements (Version 5.0, October 27, 2020, page 32)

¹⁹ ERO COVID-19 Pandemic Response Requirements (Version 5.0, October 27, 2020, page 17)

blood pressure, anemia, and diabetes, however, he is being held in a unit with other people that are not considered high-risk.

- On December 21, 2020, Anderson Delroy reported to the Freedom for Immigrants National Hotline that they are mixing high-risk individuals with individuals who are not high-risk, proving how ICE and CoreCivic are violating their own policies of housing high-risk individuals in a separate unit.

These intentional actions taken by ICE, CoreCivic, and Stewart County further risk the lives of individuals who have a higher chance of contracting COVID-19.

While ICE is also required to implement efforts “to reduce the population to approximately 75 percent of capacity”²⁰ to prevent further transmission, ICE, CoreCivic, and Stewart County keep adding people to the facility.

- On December 18, 2020, Anderson Delroy and six others reported to both the El Refugio Local Hotline and the Freedom for Immigrants National Hotline that within two days, 40 people were transferred into Stewart Detention Center and mixed in with individuals with pre-existing conditions. Mr. Delroy reported that the people transferred were not tested for COVID-19 when they entered the facility.

According to ERO COVID-19 Pandemic Response Requirements, ICE is required to “not house individuals with undiagnosed respiratory infection... with individuals with suspected COVID-19.”²¹ In stark contradiction with this protocol, SDC is both cohorting suspected cases with unsuspected cases *and* cohorting positive cases with unsuspected cases. This practice quickly exacerbates the spread of COVID-19 within SDC. Detention facilities can mitigate the spread of COVID-19 and reduce transmission by reducing the population.

Lack of Social Distancing

“There is no social distancing. There's a person 2 feet in front of me while I am on the phone with you, and I see that there are 4 people seated in a small square table right now.”

- Anonymous call to the Freedom for Immigrants National Hotline on December 18, 2020
- On December 18, 2020, an individual detained at Stewart who wished to remain anonymous reported to the Freedom for Immigrants National Hotline that while he was on the phone, there was a person standing two feet in front of him and that he observed four people seated on a square table.²²
- On December 18, 2020, Anderson Delroy reported to the El Refugio Local Hotline that “CDC Guidelines are being violated and social distancing is not being followed.”²³

²⁰ ERO COVID-19 Pandemic Response Requirements (Version 5.0, October 27, 2020, page 31)

²¹ ERO COVID-19 Pandemic Response Requirements (Version 5.0, October 27, 2020, page 17)

²² Freedom for Immigrants National Hotline Call on December 18, 2020

²³ El Refugio Local Hotline Call on December 18, 2020

- Another man shared that “social distancing is virtually impossible in cells with bunk beds or inside shared dorms.”²⁴

According to the CDC’s Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities, which ERO obligates detention facilities to follow, facilities should “implement social distancing strategies to increase the physical space between incarcerated/detained persons (ideally 6 feet between all individuals), regardless of symptoms.”²⁵ While ICE, CoreCivic, and Stewart County are required to implement social distancing arrangements, it is clear that not only is social distancing not possible inside detention centers and jails but measures are not being taken in an attempt to require social distancing. We have received multiple reports and complaints naming that there is not enough space to social distance inside Stewart Detention Center.²⁶

Lack of ability to social distance only furthers the transmission of COVID-19, endangering the lives of people detained practically signing the death sentence for many individuals.

Inappropriate PPE Usage

“An officer went into a quarantine pod for count without proper PPE, and started hi-fiving the detainees. He was smiling and joking around and his face mask was down below his chin.”

- Letter from anonymous writer received by El Refugio January 15, 2021

Many people detained in Stewart Detention Center have reported that masks are not given to them on a consistent basis, forcing them to wear dirty masks that are meant to be disposed of after one usage.

- On January 30, 2021, a person who wished to remain anonymous reported to the El Refugio Local Hotline that SDC only gives people in detention face masks once every two weeks.
- Corroborating his report, on January 7, 2021, one person detained at SDC called the El Refugio Local Hotline asking if they could get more than one mask weekly. Because mask availability was so inconsistent, one man reported that “detainees ripped up clothing to use as masks.”²⁷

To exacerbate the issue of masks not being consistently provided to people at SDC, mask usage is not being enforced, as reported by J.A.A. to the Freedom for Immigrants National Hotline. On December 18, 2020.

²⁴ “Immigrants face COVID-19 in Ga. detention center. Back in NC, their families are scared,” Aaron Sanchez-Guerra, The News & Observer, May 18, 2020, available here:

<https://www.newsobserver.com/news/coronavirus/article242660571.html>

²⁵ Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities (Updated October 29, 2020)

²⁶ Freedom for Immigrants National Hotline Call on December 19, 2020

²⁷ “‘I Wouldn’t Wish This On Anyone’: NC Man On Being In ICE Custody During The Pandemic,” Laura Brache, WFAE, July 15, 2020, available here:

<https://www.wfae.org/post/i-wouldnt-wish-anyone-nc-man-being-ice-custody-during-pandemic>

- Additionally on December 18, 2020, an individual detained at SDC who wished to remain anonymous reported to the Freedom for Immigrants National Hotline that some ICE guards and staff come to work with full PPE, but others come in with nothing on.
- A separate report made on December 18, 2020 by Anderson Delroy to the Freedom for Immigrants National Hotline states a similar issue- that staff do not wear masks consistently.

Per ERO COVID-19 Pandemic Response Requirements, “cloth face masks should be worn by detainees and staff... to help slow the spread of COVID-19.”²⁸ Not only are staff not wearing cloth face masks properly at SDC, but people in detention are not even receiving cloth masks on a regular basis. Masks are essential to efforts of stopping the spread of COVID-19. If masks are used improperly or not being used at all, it stands to reason that COVID-19 is at SDC and bound to spread within the Lumpkin, GA community.

One report from an anonymous writer in a letter to El Refugio received January 15, 2021, states that an officer went into a quarantine pod for count without proper PPE, and would then enter their pod “hi-fiving the detainees he knew smiling and joking around with the face mask down by his chin.” In the following days, the anonymous writer reports that his pod was placed in quarantine. This inconsistent usage continues the danger of spreading the virus and is a violation of ERO’s policies and CDC recommendations.

Lack of Sanitation and Disinfection

“There is only one soap dispenser for 84 men in one unit and when it runs out nobody refills it. On the weekends the majority of the time the men go without soap and paper towels.”

- Call from Edwin Mejia to the Freedom for Immigrants National Hotline on March 1, 2021
- A decrease in available staff, as reported on February 23, 2021 in a letter to El Refugio by Wilmer Guzmán-Rivera and 59 co-signers, has undoubtedly contributed to unsafe sanitation and disinfection practices at SDC.
- On December 19, 2020, F.R. reported to the Freedom for Immigrants National Hotline that Stewart Detention Center is not sanitized enough.

Based on the ERO’s COVID-19 Pandemic Response Requirements, which ICE, CoreCivic, and Stewart County are obligated to follow, facilities are required to “clean and disinfect high touch surfaces such as doorknobs, light switches, sink handles, countertops, toilets and toilet handles, recreation equipment, kiosks, telephones, and computer equipment several times per day.”²⁹ Despite this requirement,

- On March 1, 2021, Edwin Mejia reported that there are no cleaning supplies available or proper sanitation procedures in place.

²⁸ ERO COVID-19 Pandemic Response Requirements (Version 5.0, October 27, 2020, page 21)

²⁹ ERO COVID-19 Pandemic Response Requirements (Version 5.0, October 27, 2020, page 23)

- On March 1, 2020, Edwin Mejia also reported that “there is only one soap dispenser for 84 men in one unit and when it runs out nobody refills it. On the weekends the majority of the time the men go without soap and paper towels.” The anonymous continued by explaining that guards will send COVID-19 positive patients to the medical unit but no ICE or CoreCivic staff clean the medical unit or any of the hallways after each patient.
- In addition to lack of cleaning, F.R. reported on December 19, 2020, F.R. to the Freedom for Immigrants National Hotline that the air conditioner was not working at Stewart Detention Center, so there was no air circulation inside the facility, making it more likely for COVID-19 to spread.

ICE, CoreCivic, and Stewart County are required to clean and disinfect in order to prevent the spread of COVID-19. ERO provides a step-by step guide for effective disinfection, including information about proper cleaning materials.³⁰ ERO COVID-19 Pandemic Response Requirements also require “detainees and staff no-cost, unlimited access for hand cleansing, including liquid or foam soap.”³¹ Again, ICE is violating its own policies and requirements by failing to disinfect frequently touched surfaces and exposing staff, people detained, and the larger community at more risk of contracting COVID-19.

Lack of testing

“After 2 people died from being exposed to COVID-19, guards started to take individual temperatures but not administer tests.”

- Call from Anderson Delroy to the Freedom for Immigrants National Hotline on December 18, 2020

Stewart Detention Center is currently not testing consistently for COVID-19, as mentioned in a previous section.

- On December 25, 2020, Raymond Anthony Sharpe reported to the Freedom for Immigrants National Hotline that within two days, ICE, CoreCivic, and Stewart County added 40 new people to the facility who were not tested for COVID-19, giving Raymond a new roommate.
- On December 18, 2020, Anderson Delroy reported to the Freedom for Immigrants National Hotline that Stewart Detention Center only administers COVID-19 tests for individuals transferred out or released, not those who are symptomatic.³²

This is in stark contrast with the ERO COVID-19 Pandemic Response Requirements mandate that “all new admissions to ICE detention facilities require testing within 12 hours of arrival... [which] may extend to 24 hours if facility collection logistics require additional time.”³³

³⁰ ERO COVID-19 Pandemic Response Requirements (Version 5.0, October 27, 2020, pages 24-25)

³¹ ERO COVID-19 Pandemic Response Requirements (Version 5.0, October 27, 2020, page 22)

³² Freedom for Immigrants National Hotline Call on December 18, 2020

³³ ERO COVID-19 Pandemic Response Requirements (Version 5.0, October 27, 2020, page 33)

In addition to testing those recently transferred, the CDC recommends the testing of those with signs and symptoms of COVID-19, asymptomatic individuals suspected of COVID-19 exposure, asymptomatic individuals without suspected COVID-19 exposure in preparation of transfer or release, and individuals who previously tested positive for COVID-19 who may continue to test positive despite being medically cleared.³⁴ Considering the lack of social distancing and PPE usage in SDC, most if not all of the individuals in detention should be suspected of COVID-19 exposure, and per ERO and CDC guidelines, should be tested accordingly.

Misinformation

“The facility is not announcing any information or protocols regarding COVID-19 and the spread of the virus unless officers leak that information.”

- Call from L.G.S. to the Freedom for Immigrants National Hotline on December 18, 2020
- On December 25, 2020, Raymond Anthony Sharpe reported to the Freedom for Immigrants National Hotline that the facility is not announcing any information or protocols regarding COVID-19 and the spread.
- On December 18, 2020, L.G.S. reported to the Freedom for Immigrants National Hotline that the facility is not announcing any information or protocols regarding COVID-19 and the spread unless officers leak that information.
- On December 18, 2020, J.A.A. reported to the Freedom for Immigrants National Hotline that ICE is not being transparent about the deaths at Stewart Detention Center and are not informing them about the spread of the virus.

All people detained in any ICE facility should be given access to information regarding the spread of COVID-19 and infection prevention tactics. The ERO COVID-19 Pandemic Response Requirements agree with this fact by requiring ICE detention facilities to “post signage throughout the facility reminding the detained persons to practice good hand hygiene and cough etiquette” and instructs signage to be printed in English, Spanish, and any other common languages spoken in the facility.³⁵ This is not happening at Stewart Detention Center.

Retaliation

“When they speak up, they're separated and often denied medical help.”

- Anonymous caller to El Refugio Local Hotline on December 7, 2020

In response to the above reports, people detained at Stewart Detention Center have attempted to speak up and address their concerns directly with CoreCivic staff and ICE officers. In doing so, they have experienced retaliation as reported to the media and our organizations, during two separate protests.

³⁴ ERO COVID-19 Pandemic Response Requirements (Version 5.0, October 27, 2020, pages 33-34)

³⁵ ERO COVID-19 Pandemic Response Requirements (Version 5.0, October 27, 2020, page 23)

- On April 9, 2020 and April 20, 2020, a group of people detained at SDC who protested medical neglect and lack of COVID-19 precautions were met with pepper spray/pepper-ball guns, physical violence, and handcuffs from CoreCivic guards.³⁶
- On an April 2020 instance, a person in detention at Stewart faced solitary confinement and physical violence as a punishment for protesting two weeks of unanswered sick calls.³⁷
- On December 18, 2020 Anderson Delroy reported to the Freedom for Immigrants National Hotline that individuals inside Stewart Detention Center were planning to do a hunger strike, but when they tried to protest, the guards issued a lock down in their rooms all day.
- On December 7, 2020, an anonymous caller reported to the El Refugio Local Hotline, “When they speak up, they're separated and often denied medical help,” referring to people in detention speaking out about abuse.

This type of retaliation has forced individuals into silence, as reported by an anonymous caller to the El Refugio Local Hotline:

- On December 8, 2020 an anonymous caller stated that “COVID-19 protocols are not being followed, but [I do] not feel led to file a complaint in fear that the consequences will be worse.”

This type of report, from an individual who did eventually file a report, raises questions about how many other abuses go unreported for fear of retaliation.

COVID-19 Deaths

Due to the rampant medical neglect and COVID-19 negligence outlined above, Stewart Detention Center has one of the highest deaths of COVID-19 in the country.³⁸ The first death in ICE custody since President Biden took office was a 57-year-old, identified by Mexican authorities as Félix Montes de Oca Marcelino, who had been hospitalized for weeks and later died on January 30, 2021.³⁹ ⁴⁰ These deaths and abuses further highlights that ICE, CoreCivic, and Stewart County are utterly unable to provide basic preventive care in their facility and therefore extremely un-equipped to treat individuals who have contracted COVID-19.

³⁶ “Private ICE Jail Pepper-Sprayed Detainees Protesting Lack of Coronavirus Precautions,” Jose Olivares, The Intercept, May 5, 2020, available here: <https://theintercept.com/2020/05/05/ice-stewart-immigration-detention-coronavirus-protest-pepper-spray/?comments=1#comments>

³⁷ “Immigrants at Privately Run ICE Detention Center Were Thrown out of Wheelchairs When They Asked for Medical Help” Jose Olivares, The Intercept, July 23, 2020, available here: <https://theintercept.com/2020/07/23/ice-guards-excessive-force-sick-immigrants/>

³⁸ ICE Detainee Statistics <https://www.ice.gov/coronavirus#citations>, February 10, 2020

³⁹ “They see one man's death as an urgent reminder of what Biden needs to do,” Catherine E. Shoichet, CNN, Feb 8, 2021, available here: <https://www.cnn.com/2021/02/08/us/immigrant-detention-biden/index.html>

⁴⁰ “Biden’s first ICE custody death,” Andrew Thopson, NJ Today, February 2, 2021, available here: <http://njtoday.net/2021/02/02/bidens-first-ice-custody-death/>

By refusing to provide basic preventative measurements such as cleaning and disinfecting regularly, adequate hygiene practices, infection control, and social distancing, ICE, CoreCivic, and Stewart County place the rest of the staff and people detained at a serious risk of contracting and spreading COVID-19 during this unprecedented public health crisis. The absence of this attention further highlights the health risk not just to people detained and staff but also to surrounding communities. As stated by local sources, “the high rates of COVID-19 in Stewart County is in part linked to an outbreak in the immigration detention center there.”⁴¹ Furthermore, “almost 80% of Stewart County’s total COVID-19 cases are ICE detainees.”⁴²

Conclusion and Recommendations:

El Refugio, Freedom for Immigrants, Project South, and many more advocacy and legal service providers are concerned that ICE, CoreCivic, and Stewart County officials are failing to protect individuals and exacerbating the spread of COVID-19, causing serious and potentially irreversible harm to the health of those in custody. The abuses at Stewart Detention Center mirror those at Irwin County Detention Center as indicated by Project South's OIG complaint making it clear that this is a deeply rooted problem within ICE across all detention centers in Georgia and the country.⁴³ Many individuals detained have come forward and provided details of violations of their civil rights, issues of medical neglect, lack of releases for individuals with risk factors, dangerous cohorting of those well and sick and inadequate infection control, lack of social distancing, inconsistent use of PPE, inadequate hygiene and disinfection practices, lack of COVID-19 testing, and misinformation. There is also clear evidence that when individuals speak up they have been subjected to retaliation including solitary confinement, pepper spray, physical violence, and denial of medical care.

We request a response in writing by Monday, March 29, 2021 that addresses the following:

1. Release of all detained individuals at Stewart Detention Center starting with individuals who are considered high-risk.
2. Immediate investigation from the Office of Civil Rights and Civil Liberties and the Office of Inspector General looking into medical practices, denial of release, retaliation, and other COVID-19 precautions.
3. Termination of the Intergovernmental Services Agreement (IGSA) with ICE and Stewart County and abstain from entering into any new agreements.

Thank you for your attention to this very important issue.

⁴¹ “SW Ga. detention center cases boost Stewart County as infection hot spot,” Andy Miller, July 7, 2020, available at: <https://georgiarecorder.com/2020/07/07/sw-ga-detention-center-cases-boost-stewart-county-as-infection-hot-spot/>

⁴² “Almost 80% of Stewart County’s total COVID-19 cases are ICE detainees,” Nick Wooten, Ledger-Enquirer, September 16, 2020, available at: <https://www.ledger-enquirer.com/news/coronavirus/article245781730.html>

⁴³ OIG Complaint filed September 14, 2020 by Project South, available here: <https://projectsouth.org/wp-content/uploads/2020/09/OIG-ICDC-Complaint-1.pdf>

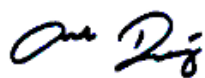
Sincerely,

A handwritten signature in black ink, appearing to read 'Amilcar Valencia'.

Amilcar Valencia
Executive Director

El Refugio

amilcar@elrefugioministry.org

A handwritten signature in black ink, appearing to read 'Amanda Diaz'.

Amanda Diaz
National Hotline Manager
Freedom for Immigrants

adiaz@freedomforimmigrants.org