



Matthew Albence
Acting Director
U.S. Immigration and Customs Enforcement
500 12th St., SW
Washington, D.C. 20536

Ray Hanson
Warden
Richwood Correctional Center
180 Pine Bayou Circle
Richwood, Louisiana 71202

April 28, 2020,

Messrs. Albence and Hanson,

After receiving several alarming reports about egregiously unacceptable conditions at Richwood Correctional Center (“Richwood”), we write to demand your immediate intervention to improve those conditions and ensure that all detained persons in your custody there receive proper medical attention during this devastating pandemic.

As you are undoubtedly aware, at least 32 detained immigrants in Richwood have tested positive for COVID-19, the disease caused by the coronavirus, according to a U.S. Immigration and Customs Enforcement (“ICE”) website.¹ This number is alarming enough by itself and given what we know about the highly contagious nature of the virus, we strongly suspect that scores of additional detained immigrants are also positive but have not been yet tested. Additionally, conditions at Richwood were abhorrent before the pandemic emerged, and those conditions have apparently worsened, allowing the virus to thrive there.

For example, Richwood had undergone a scabies outbreak when a Cuban asylum seeker, Roylan Hernandez Diaz, committed suicide there in October 2019. Many individuals detained there reported problems obtaining medical care at the time, and many said they had to wait weeks or months for such care or did not receive any at all.

More recently, reports from Richwood confirm that medical care at the facility is not only inadequate but cannot handle the problems associated with coronavirus infection and the threat it poses to the health of all individuals detained there.

One attorney informs us that her client at Richwood tested positive for COVID-19 and is severely ill, but he was only taken to the hospital on April 16, 2020, after sitting through a two-

¹ <https://www.ice.gov/coronavirus> (last visited April 27, 2020).

hour immigration hearing. His records indicate his vitals were taken during the hearing, that Emergency Medical Services was called during the hearing, and he was taken to the hospital within 10 minutes of the hearing's conclusion. He was treated in the intensive care unit for pneumonia for a few days, and then—unbelievably—sent directly back to Richwood, before he could fully recover and without a period of quarantine.

Another attorney informed us that despite ICE and Richwood's awareness that her client was a high risk individual of contracting the coronavirus, you still failed to take necessary and timely steps to protect her client's well-being; as a result, her client who suffers from bradycardia has also now tested positive for COVID-19. We are also aware of a third detained man who is a cancer survivor, who has a colostomy bag and exposed intestines, who has contracted COVID-19 due to the inadequate conditions at Richwood.

We have heard numerous reports that the only medication being provided to many individuals with confirmed cases of the COVID-19 virus is Tylenol and that Richwood officers have told immigrants infected with the virus that their bodies will simply have to fight off the virus themselves.

As you are aware, on April 20, 2020, the U.S. District Court for the Central District of California issued a nationwide class action order in the case *Fraihat v. ICE*, Case No. 5:19-cv-01546 (order attached as Exhibit C). The order requires that ICE make timely custody determination for detained immigrants with risk factors. It is evident that several detained persons under your custody are at high risk of contracting a severe case of COVID-19 because they have been exposed and have a compromised immune system due to their medical conditions.

The *Fraihat* order requires that ICE consider release “regardless of whether [the detained persons] have submitted requests for bond or parole, have petitioned for habeas relief, have requested other relief, or have had such requests denied.” Order at 38. The court's order contemplates people in mandatory detention being released. The court notes that “[e]ven individuals required to be detained by statute can be and were released pursuant to ICE guidelines and policies, and statutory and regulatory provisions.” Order at 10 (internal citations omitted). The court cites to plaintiffs' criticism of ICE's Docket Review Guidance as unreasonable because “it does not apply to medically vulnerable individuals held in ‘mandatory’ detention, who remain in harm's way.” Order at 32; *see also* Order at 38 (“Defendants shall promptly issue a performance standard or a supplement to their Pandemic Response Requirements (‘Performance Standard’) defining the minimum acceptable detention conditions for detainees with the Risk Factors, *regardless of the statutory authority for their detention*, to reduce their risk of COVID-19 infection pending individualized determinations or the end of the pandemic.”) (emphasis added).

As you know, the federal government and your agency have a constitutional obligation to protect the health of everyone in your custody, including detained immigrants. Deliberate indifference to the health and safety of any person violates the Eighth Amendment. The ballooning number of positive COVID-19 cases at Richwood, and the reports of poor medical care that accompany this outbreak, demand your immediate attention to the conditions in that facility. Although we understand that LaSalle Corrections has contracted to operate the facility, it is your

responsibility to ensure that your contractor provides the necessary safeguards of the health of all in your care.

Sincerely,
Luz Lopez
Bruce Hamilton

Cc: Office of Rep. Bennie Thompson
benniethompson@mail.house.gov
Claytrice.Henderson@mail.house.gov

Office of Rep. Pramila Jayapal
amy.fischer@mail.house.gov
Jennifer.chan@mail.house.gov

Office of Rep. Ilhan Omar
Ryan.morgan@mail.house.gov

Office of Rep. Hank Johnson
Jacqui.kappler@mail.house.gov