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March 24, 2020

VIA Email

Thomas Feeley
Director
Buffalo Field Office
Buffalo.Outreach@ice.dhs.gov

Jeffrey Searls
Acting Administrator
Buffalo Federal Detention Facility
Jeffrey.J.Searls@ice.dhs.gov

Re: Institutional Plan for Preventative Measures Against COVID-19

Dear Mr. Feeley and Mr. Searls:

As of March 24, 2020, we have not received a response from you to our March 17 letter urging the Buffalo Federal Detention Facility (“Batavia”) and the ICE Buffalo Field Office to (1) immediately review custody determinations to identify those eligible to be released under affordable bonds, alternative to detention programs, or parole; (2) develop Batavia-specific plans to address stated concerns; and (3) inform detained persons and the undersigned organizations of these plans by March 20. Every day that ICE fails to take adequate steps to mitigate this threat at Batavia increases the likelihood that an outbreak will have devastating effects for those in your custody, facility staff, and the surrounding community.

Three developments have arisen since we sent our original letter that underscore the urgent need for facility leadership and the Buffalo Field Office to respond to our requests. First, we have become aware of several release requests made to ICE for individuals at Batavia with serious health issues, including one person who has been diagnosed with HIV/AIDS (see enclosed). These requests remain pending. Second, the Centers for Disease Control issued guidance for managing COVID-19 in correctional and detention facilities that reflects the recommendations we provided in our letter. Specifically, the CDC advises detention facilities to inform the detained population of the risks of COVID-19 and mitigation strategies, implement social distancing, provide adequate hygiene and sanitization supplies, screen all entrants, prepare for staffing shortages, and administer flu vaccines.¹ Third, ICE reported that as of March 17, 2020, there are no confirmed cases of COVID-19 in the facilities.² But the agency has failed to provide information on its efforts to test people in its custody, which raises questions about the accuracy of its data collection.

¹ Centers for Disease Control, Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities (Mar. 23, 2020), *available at* <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html>.

² See Immigration and Customs Enforcement, ICE guidance on COVID-19 (Mar. 23, 2020), *available at* <https://www.ice.gov/covid19#wcm-survey-target-id>.

Thus, we reiterate our original requests and ask for a response as soon as possible.

Sincerely,

/s/ Victoria Roeck

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/s/ Jillian Nowak

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CC (via e-mail): Adam Khalil; Daniel Moar; David Coriell; U.S. Attorney's Office for the Western District of New York

Enclosures:
Release Request for Individual with HIV/AIDS