

United States Senate
WASHINGTON, DC 20510

September 18, 2020

Inspector General Joseph V. Cuffari
Office of Inspector General
Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528-0305

Dear Inspector General Joseph V. Cuffari,

We write to request that the Department of Homeland Security (DHS) Office of the Inspector General (OIG) investigate the transfer of individuals in detention by Immigration and Customs Enforcement (ICE) to Virginia via ICE Air in June 2020 as part of the administration's efforts to send more federal agents to end racial justice protests in Washington, D.C.¹ The transfer led to the worst outbreak of COVID-19 in the ICE detention center in Farmville, Virginia, run by the private contractor Immigration Centers of America (ICA) and fits into the pattern of abuse behind ICE detention during the pandemic. We ask that your office incorporate an investigation into the June 2020 transfer to Virginia into the ongoing investigation into "ICE's Efforts to Prevent and Mitigate the Spread of COVID-19 in its Facilities."²

On June 2, ICE transferred over 70 detainees to ICA-Farmville from COVID-19 hotspots in Florida and Arizona. According to testimony at a Farmville town council meeting in August, ICE officials in the Washington field office objected to the transfer of detainees. The transfer, compounded by the inability to appropriately socially distance within the facility, led to a dramatic spike in infections. Within two weeks of the June 2020 transfer, more than half of these detainees tested positive for COVID-19. At least six people inside have been hospitalized with severe symptoms. In August, the Farmville facility had at times a nearly 90% infection rate among detainees, including James Thomas Hill, a Canadian national who tragically died on August 5.

While ICE said they transferred "larger detention populations to facilities with fewer detainees" to "promote social distancing," according to recently released information, ICE's own statistics showed the facilities from where the detainees came on June 1 were not near capacity when the transfers were arranged. The detention facility in Arizona from where detainees were transferred, CCA Florence, has space for approximately 550 detainees but was only about 35 percent full that day, while Farmville was 57 percent full. The statistics indicate that ICE has misled Congress

¹ https://www.washingtonpost.com/coronavirus/ice-air-farmville-protests-covid/2020/09/11/f70ebee1e-e861-11ea-bc79-834454439a44_story.html

² <https://www.oig.dhs.gov/reports/ongoing-projects>

about the reasons for transferring individuals during the pandemic, in violation of the CDC guidelines indicating that people should not be transferred between facilities “unless necessary for medical evaluation, medical isolation/quarantine, clinical care, extenuating security concerns, release, or to prevent overcrowding.”³

We have consistently raised alarm with DHS about the surging number of COVID-19 cases at the Farmville detention facility as a result of ICE’s decision to continue transferring detainees.⁴ Yet both DHS and ICE have refused to respond to our questions concerning how ICE is protecting the health of individuals in their custody, staff members, and the Farmville community. We request that you investigate the following:

- Whether ICE and DHS shared information with Farmville officials (including local elected officials like the mayor and members of the town council) about the June transfer and the subsequent outbreaks at Farmville-ICA in an effort to protect against community spread;
- The objection to the transfer by the Washington field office and any other objections made prior to the transfer of detainees to Farmville;
- The role of the company in charge of the facility, ICA, in the June 2020 transfer;
- Whether the ICE agents aboard the ICE Air flight in question were tested for COVID-19 prior to boarding and ICE’s general policies around testing prior to boarding flights with detainees;
- All information pertaining to the planned flight, including whether the flight was postponed or altered to accommodate agents;
- The capacity at each ICE facility on June 2, 2020;
- Whether any detainees transferred to Farmville on June 2, 2020, were subject to the Title 42 expulsions conducted by the Administration;
- The I-216 of each detainee transferred to Farmville on June 2, 2020;
- The number of ICE transfers during the entirety of the coronavirus pandemic, the justifications behind the transfers, the capacity at the facilities individuals were transferred from and to, and the result of any COVID-19 spread at the facilities to which detainees were transferred;
- The decision-making process that went into making the June 2 transfer and all other transfers during the pandemic, including communication between ICE headquarters, field offices, private contractors, and local officials involved in the management of the facilities where transfers have taken place as well as agency and administration guidance, memos, and any other information guiding ICE’s decision process to embark on transfers during the pandemic;

³ <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html>

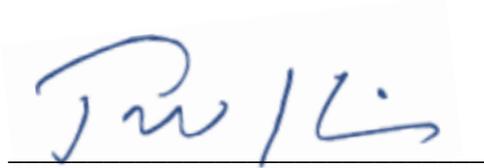
⁴ <https://www.warner.senate.gov/public/index.cfm/pressreleases?ID=8166F720-604C-4B88-BD30-FAC92D24FC10>

- Whether any assessments or inquiries were made of the local hospital and medical capacity to handle possibly infected detainees prior to transfer;
- ICE's use of "ICE Air" charter flights to transfer detainees during the pandemic.

ICE and ICA's response to the COVID-19 outbreak in Farmville raises the alarm about people's safety and the nature of ICE detention. And ICE and DHS's disregard of Senate inquiry in the face of clear mishandling of the situation and people's lives is unacceptable. It is critical for the OIG to investigate the transfer of individuals in ICE custody during the COVID-19 pandemic in the context of the pattern and practice of abuse and the lack of accountability within ICE facilities.

For any questions, please contact Alyson Sincavage at Alyson_Sincavage@kaine.senate.gov, Stephanie Doherty at Stephanie_Doherty@warner.senate.gov, or Jaron Goddard at Jaron_Goddard@murray.senate.gov.

Sincerely,



Tim Kaine
United States Senator



Mark R. Warner
United States Senator

/s/ Patty Murray
Patty Murray
United States Senator

