

March 25, 2020

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REQUEST FOR IMMEDIATE RELEASE OF INDIVIDUALS, INCLUDING MINNEAPOLIS RESIDENTS, FROM COUNTY JAIL FACILITIES HOLDING IMMIGRATION DETAINEES IN THE STATE OF MINNESOTA

I am writing as the Mayor of the City of Minneapolis to ask your offices to facilitate the immediate release of individuals in immigration detention in various county jail facilities in the State of Minnesota (including Sherburn, Carver, Freeborn, Kandiyohi and Nobles county jails) to reduce the impact and spread of Coronavirus Disease 2019 (COVID-2019) within this population as well as the public at large. This is an urgent request as media reports have confirmed the first immigrant detainee tested positive for COVID-2019 while in immigration custody at a county jail facility in New Jersey.¹

I am particularly concerned about this issue as recent statistics show that hundreds of residents of the City of Minneapolis have been booked into Immigration and Customs Enforcement (ICE) detention at county jails within the state of Minnesota. Results from a Freedom of Information Act request filed by our city's Office of Immigrant and Refugee Affairs indicate that over the course of Fiscal Year 2019, 537 Minneapolis residents were booked by ICE into Sherburne County Jail, 171 residents into Carver County jail, 59 residents into Freeborn County Jail, 34 people booked into Carver County jail, and 87 people booked into Nobles County Jail for a total of close to 900 Minneapolis residents detained at Minnesota county jail facilities over the course of 2019. As the Mayor of the City of Minneapolis, the health and safety of our residents – including those who are currently in immigration detention – is my top priority.

It is incumbent upon your offices to assist in preventing the spread of COVID-19 among the immigrant detainee population, and to take immediate action. Two weeks ago, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak to be a global pandemic. President Trump, on March 13, 2020, declared a national state of emergency over the outbreak, and on the same day Minnesota Governor Tim Walz declared a state of emergency in the state of Minnesota. On Monday, March 16, I declared a local public health emergency in the City of

¹ <https://www.cnn.com/2020/03/24/us/ice-detainee-coronavirus/index.html>

Minneapolis in order to support the health, safe and welfare of the residents of the City of Minneapolis.

On March 19, the Centers for Disease Control and Prevention reported that approximately 10,000 people in the United States tested positive for COVID-19. As of March 24, within less than a week, the number had jumped to over 44,000. The rapid rise in cases is an indicator of how quickly we must all work to implement interventions to slow the spread of this disease.

Medical experts, including physicians with expertise regarding the availability and provision of medical care in detention settings, have confirmed that the strict social distancing practices must be employed to reduce the spread of COVID-19. And yet these practices are difficult if not impossible to implement inside jails and other detention facilities.

Laudably, District Courts within the State of Minnesota, in order to reduce the risk of infection among county jail staff and inmates, have implemented measures, including court administrative orders, to reduce the jail population by authorizing release of individuals who are currently detained, including individuals detained on low level, nonviolent offenses as a result of an inability to pay bail. One such order states that if COVID-19 enters an Adult Detention Center, releasing inmates on their own recognizance would decrease the risk of spreading the disease to the community by those inmates.² The Hennepin County Jail population has been reduced by 26% in order to reduce the spread of the coronavirus.³

As of the date of this letter, there is no word from ICE local field office or ICE headquarters regarding whether similar measures will be implemented for the immigration detainee population (including those individuals housed at county jails around the state of Minnesota) despite the fact that experts have come forward promoting these measures as necessary to prevent spread of the disease and the risk of life that would result, to the immigration detainee population as well as the public at large.

For example, in a March 19, 2020 letter to members of the US House of Representatives and US Senate Committees on Homeland Security on the COVID-19 threat posed by immigration detention, physicians who are medical subject matter experts to the Department of Homeland Security's Office of Civil Rights and Civil Liberties (CRCL) communicated their concerns about the "imminent risk to the health and safety of immigrant detainees, as well as the public at large, that is a direct consequence of detaining populations in congregate settings."⁴

The doctors stated that "social distancing is an oxymoron in congregate settings" because of the "concentration of people in a close area with limited options for creating distance between detainees." They noted that an outbreak of COVID-19 at a detention facility would create "an enormous public health risk, not only because disease can spread so quickly, but because

² See State of Minnesota, County of Ramsey, District Court, Second Judicial District, Emergency Administrative Order Delegating Certain Judicial Release Authority Dated March 19, 2020.

³ <https://minnesota.cbslocal.com/2020/03/23/coronavirus-in-minnesota-hennepin-county-jail-population-cut-by-26-after-release-of-low-risk-inmates-to-prevent-covid-19/>

⁴ <https://whistleblower.org/wp-content/uploads/2020/03/Drs.-Allen-and-Rich-3.20.2020-Letter-to-Congress.pdf>

those who contract COVID-19 with symptoms that require medical intervention will need to be treated at local hospitals” which increases risk of infection to the public and puts additional strain on health care resources. One of their principal recommendations to prevent the spread of coronavirus through immigration detention was release of all detainees who do not pose an immediate risk to public safety, concluding that “social distancing through release is necessary to slow transmission of infection.”

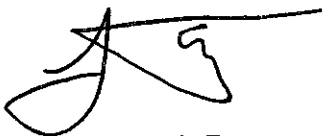
Over the last two weeks, these experts and many others around the country, including medical professionals, former ICE officials and immigration attorneys have called for implementation of release from immigration detention as a strategy to reduce the potential spread of COVID-19, and yet ICE has refused to take this important action to prevent transmission within the detainee population. I urge you to act now and implement a policy to facilitate the release of individuals in immigration detention who do not pose a danger to public safety, including residents of the city of Minneapolis who are in immigration detention.

Jails, prisons and detention centers are sites where people are acutely vulnerable to health complications and the impact of outbreaks. While county jails which contract with ICE to house immigration detainees in the State of Minnesota are taking some precautions, including restricting attorney visitation to telephonic and video visitation only, it is only a matter of time before COVID-19 appears in these facilities. When this happens, ICE will not be able to prevent the spread of the disease and will not be able to provide proper care for the people in its custody, particularly those requiring complicated medical support and intervention if they prove to be particularly vulnerable to the most aggressive symptoms of this disease.

Time is literally of the essence in saving lives. I ask ICE to facilitate the immediately release all immigration detainees who do not pose a national security risk or danger to society, and who have a safe place to reside, paying particular attention to the most vulnerable communities for immediate release, including those who are 50 years of age or older, who have longstanding medical conditions, who are pregnant and/or who are immunocompromised. Given the serious economic challenges that have impacted many of our community members in light of COVID-19 business closures, I ask your office to release as many people as possible on their own recognizance, without requiring the payment of bond.

As Mayor of the City of Minneapolis, I am ready to do everything in my power to prevent the spread of COVID-19 and keep our community safe and healthy. Please let me know how I can be of assistance in facilitating the orderly release of immigration detainees who are residents of the City of Minneapolis to their families and loved ones.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jacob Frey', with a long horizontal line extending to the right from the top of the signature.

Mayor Jacob Frey