

# Vera Institute of Justice

## Criminal Justice Issues and Prisoners' Rights

### <https://www.vera.org/tracking-covid-19-in-immigration-detention>

## Policy Issue Resources

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The Immigration and Customs Enforcement (ICE) detention system a network of government and private facilities, and local and state jails and prisons ill-suited to protect detained people from the COVID-19 pandemic. There is inadequate oversight of conditions in these facilities, where claims of medical neglect and abuse are rampant, access to sanitizing products and protective equipment are lacking, and social distancing that does not require harmful isolation is often impossible. Human Rights Watch, "Systemic Indifference: Dangerous & Substandard Medical Care in US Immigration Detention," 2017, <https://www.hrw.org/report/2017/05/08/systemic-indifference/dangerous-substandard-medical-care-us-immigration-detention#>; American Civil Liberties Union, "Fatal Neglect: How ICE Ignores Death in Detention," 2016, <https://www.aclu.org/report/fatal-neglect-how-ice-ignores-death-in-detention>; Jos Olivares and John Washington, "He Just Empties You All Out": Whistleblower Reports High Number of Hysterectomies at ICE Detention Facility," The Intercept, September 15, 2020, <https://theintercept.com/2020/09/15/ice-detention-hysterectomy/>; U.S. House of Representatives, Committee on Oversight Reform and Subcommittee on Civil Rights and Civil Liberties, "The Trump Administration's Mistreatment of Detained Immigrants: Deaths and Deficient Medical Care by For-Profit Detention Contractors," 2020, <https://oversight.house.gov/sites/oversight.house.gov/files/document/Trump%20Administration's%20Mistreatment%20of%20Detained%20Immigrants%20Deaths%20and%20Deficient%20Medical%20Care%20by%20For-Profit%20Detention%20Contractors.pdf>; Letter from Drs. Scott Allen and Josiah Rich to Congress, March 19, 2020, <https://whistleblower.org/wp-content/uploads/2020/03/Allen-Rich-Letter-to-Congress-March-19-2020.pdf>; and Cora Currier, Letters from ICE Detainees Expose Desperate Prison Conditions amid Coronavirus Pandemic, The Intercept, July 27, 2020, <https://theintercept.com/2020/07/27/ice-detainees-expose-desperate-prison-conditions-amid-coronavirus-pandemic/>. Accessing counsel is difficult: the majority of detained people do not have a lawyer to advocate for their release from detention or relief from deportation under existing law. Nina Siule and Karen Berberich, Why Does Representation Matter? The Impact of Legal Representation in Immigration Court, Vera Institute of Justice, 2018, <https://www.vera.org/publications/why-does-representation-matter-the-impact-of-legal-representation-in-immigration-court>; Transactional Records Access Clearinghouse (TRAC), Who Is Represented in Immigration Court? October 16, 2017, <http://trac.syr.edu/immigration/court-representation/>. Despite these concerns, and the high risks more generally known to be associated with COVID-19 transmission in congregate settings, ICE has continued to book people from the community into detention and transfer people between facilities at an alarming rate. Fiscal year 2020 had the highest annual death toll of people in ICE custody in 15 years, with COVID-19 as the cause of eight of the 21 reported deaths. Catherine E. Soichet, The Death Toll in ICE Custody is the Highest It's Been in 15 Years, CNN, September 30, 2020, <https://www.cnn.com/2020/09/30/us/ice-death-toll-2020/index.html>. At least one additional person is known to have died from the virus shortly after release, although ICE does not report on COVID-19 deaths that may have occurred after deportation or release for people who previously tested positive while in ICE custody. See American Immigration Lawyers Association, Deaths at Adult Detention Centers, <https://www.aila.org/infonet/deaths-at-adult-detention-centers>.

ICEs reporting on COVID-19 falls far short of its responsibility to be transparent and accountable to the public. ICE makes a limited amount of data on COVID-19 in detention publicly available on its [website](#) and then, almost daily, overwrites it. This makes it difficult to get a clear picture of how many people have contracted the virus or to identify and analyze trends. As a result, many questions are left unanswered about ICEs enforcement and detention practices and the impact of detention on human lives.

To promote greater transparency and accountability in ICE operations, researchers at Vera are archiving the data on an ongoing basis. Veras cleaning and distribution of this archived data allows the public to track the number of confirmed COVID-19 cases among detained people nationally and per facility, currently and over time. It also includes the number of tests administered nationally to people in detention and the number of people detained nationally. See the About the Data tab below for more detail on the data and Veras methodology.

The data, updated daily, is presented in the tool below for easy exploration and can be downloaded from Veras [GitHub](#) repository for deeper analysis.

Veras tool documents the number and location of positive cases ICE has confirmed over time. It also brings to light the small amount of testing conducted by ICE, relative to the number of people detained since the onset of the pandemic. However, the basic statistics ICE has shared alone are insufficient for understanding the true prevalence of COVID-19 and how it may be spreading within and between detention facilities.

To demonstrate the possible prevalence of COVID-19 in detention, researchers at Vera's Center on Immigration and Justice built an [epidemiological model](#), which uses the most recent publicly available ICE data to explore how new book-ins and frequent transfers between detention centers may be contributing to COVID-19's spread among people in detention. Through simulating a 60-day period beginning in mid-March 2020, Veras model estimated that the actual number of positive cases as of mid-May may have been up to 15 times higher than the figures reported by ICE. **Veras estimates make clear that there is no scenario in which the data ICE has reported to the public reflects the true scope of the spread of COVID-19 in detention.**

Veras archived data is presented as is and reflects what ICE reported on its COVID-19 webpage, including any errors in what the agency

reported. Other organizations have documented problems with the data ICE reports and Vera similarly observed many inconsistencies that raise questions about the data's accuracy. See for example Center for American Progress, Data on the Coronavirus Outbreak in Immigration Detention Offer More Questions than Answers, <https://www.americanprogress.org/>; and Freedom for Immigrants, COVID-19 in ICE Jails & Prisons, <https://www.freedomforimmigrants.org/>. The ongoing COVID-19 conditions reports from Freedom for Immigrants include documented inconsistencies in information reported on the ICE COVID-19 webpage.

**Few of the graphs Vera produced that plot daily changes in ICE-reported COVID-19 cases show the kind of COVID-19 curve we are accustomed to seeing where there has been an outbreak of the virus.** Substantial plateaus following previously confirmed cases at a given facility raise questions about the comprehensiveness of ongoing testing and reporting.

**ICE does not provide explanations for sharp increases and decreases in the number of current cases per facility.** Understanding these changes is hampered by the fact that the criteria ICE uses for including confirmed cases in its count of current cases (which it refers to as currently under isolation or monitoring) is unclear. Furthermore, ICE does not indicate whether changes in numbers are, in fact, corrections to previous data entry errors.

**Increases in current cases do not always align with an expected increase in cumulative cases.**

**Cumulative numbers of cases per facilities have sometimes decreased.**

**ICE has removed several facilities with previously confirmed cases from its COVID-19 webpage with no explanation.**

**Large numbers of facilities are not represented in ICE's reporting, suggesting there have been no positive cases there.** It is therefore unclear if ICE is conducting tests at every facility.

The data presented in the dashboard below, updated daily, is the product of Vera's ongoing work to archive the [statistics reported by ICE](#) on COVID-19 in detention. The data reflects what ICE has reported through **October 13, 2020**, including any errors in its reporting. Viewing in a desktop browser is recommended for optimal features.

See the README file on [GitHub](#) for more details about the methodology. Contact Noelle Smart at [nsmart@vera.org](mailto:nsmart@vera.org) with further questions.

Estimating the Spread of COVID-19 among People in ICE Detention

Expedited Immigration Hearings Pose Danger to Detained Children's Right to a Fair Process

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