

April 20, 2020

DELIVERED VIA EMAIL

Sheriff Scotty Rhoden  
Baker County Facility  
1 Sheriff's Office Drive  
MacClenny, FL 32063  
Srhoden@bakerso.com

**Re: Protect Employees and Detainees from COVID-19 By Reducing Your Jail Population Through Suspending Contracts with Immigration and Customs Enforcement**



Dear Sheriff Rhoden:

We are writing to urge you to follow the lead of Monroe County Detention Center and promptly sever or suspend your contract(s) with Immigration and Customs Enforcement (ICE).

As I'm sure you are aware, during this public health crisis, it is well-established that in order for local jails to protect against widespread infection and catastrophic loss-of-life consequences for employees and detainees, the best protection for local jails is to reduce their population – this will ensure that individuals are not prevented from protecting themselves by following CDC guidelines and maintaining at least 6 feet apart from others. Additionally, every time a new person enters the jail, the risk of spreading COVID-19 increases exponentially. Jails should be reserved for those who have committed dangerous and violent acts and are a risk to public safety. During this pandemic, the last thing jails should be doing is opening their doors to ICE to warehouse individuals who are not being held for crimes.

**Need for Immediate Action Before It's Too Late:** As of April 19, the public has been made aware of at least 25,000 confirmed cases and close to 800 COVID-related deaths, eighty Florida prison workers who have tested positive for COVID-19, 113 people incarcerated in Florida prisons, at least fourteen Florida residents detained in jail pre-trial, and, most tragically, at least one reported deputy and an individual detained pre-trial have died of COVID-19, along with four individuals incarcerated in prison. We know these statistics only represent a fraction of those who are infected, as less than 1% of Floridians have received COVID-19 testing, and 25% of the population is asymptomatic yet contagious. To be clear, the steps you take (or don't take) today will have grave consequences for Floridians tomorrow.

**Background:** During this rapidly growing public health crisis, Sheriffs are in a unique position to take immediate actionable steps to mitigate the spread of the COVID-19 pandemic and protect public safety and public health, including those

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Kirk Bailey  
*Political Director*

Daniel Tilley  
*Legal Director*



on the frontlines of the criminal legal system, those who are employed within your jails, and those who are in your custody and care.

There is a consensus among public health officials and medical experts that the COVID-19 pandemic poses an enormous and potentially catastrophic risk to detained individuals. During this pandemic, it is critical to the public health and safety of our community to ensure that people are not *unnecessarily* entering our jails in the first place, and that those who do not pose a threat to the public are not needlessly detained in jail, especially those vulnerable to COVID-19.

For counties that contract with ICE to provide bed space in their jails (i.e., “Inter-governmental Service Agreements”), these agreements pose additional and unnecessary burdens on your ability to protect those on the frontlines as well as those in your custody and care. Now more than ever, it is imperative that you follow Monroe County’s lead and suspend any contracts with ICE to temporarily house ICE-detained individuals to reduce overall exposure risks for people in local facilities, including all those detained as well as officers and staff.<sup>1</sup>

Based on the CDC recommendations and those of medical experts, the United States Attorney General, William Barr, stating the concern that correctional facilities will become “petri dishes” of COVID-19 infection, recommended Federal prisons safely reduce their populations, especially for those most vulnerable to infection.”<sup>2</sup> U.S. Attorney General Barr noted that “each time a new person is added to a jail, it presents at least some risk to the personnel who operate that facility and to the people incarcerated therein.”

In addition, we urge you to consider suspending Warrant Service Officer (WSO) and 287(g) agreements that force frontline officers, employees, and current detainees to engage in multiple in-person interactions with individuals for objectives that do not pertain to the enforcement of state criminal laws. Jailing people for civil immigration purposes further exposes them to the elevated health risks associated with COVID-19 for detained populations. Additionally, if individuals who have been exposed to COVID-19 are placed in immigration detention, the spread of the virus in detention centers will be swift and unstoppable. This threat increases with each additional person detained and jeopardizes the health and safety of facility staff, as well as the families and communities they return home to.

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<sup>1</sup> See <https://www.miamiherald.com/news/local/immigration/article241783926.html> (Amid concerns of COVID-19 pandemic, Monroe County cancels its contract with ICE).

<sup>2</sup> See <https://abcnews.go.com/Politics/ag-william-barr-pushes-expansion-home-confinement-reduce/story?id=69816504>; <https://www.politico.com/news/2020/04/06/william-barr-attorney-general-coronavirus-169232>.

### Requested Actions

The best way to stop the spread of COVID-19 in jails is to decrease the number of people entering the system and to safely reduce the overall jail population. This can be accomplished in the following manner without compromising public safety.

1. Suspend or cancel any agreement to house persons transferred to the County jail by ICE. Local officials should suspend any contracts with ICE for civil immigration detention bed space to reduce overall exposure risks for people in local facilities, including detained people, officers and staff.
2. Suspend or cancel any Warrant Service Officer (WSO) or 287(g) agreements, as they unnecessarily place those on the frontlines and those in our county jails at increased risk of COVID-19 exposure through in-person interactions with multiple individuals for objectives that do not pertain to the enforcement of state criminal laws.



We are urging you to immediately implement the above simple and common-sense steps to prevent the spread of COVID-19 among your employees, those in your custody and care, and those in your community.

Thank you for your attention to this critical matter and please do not hesitate to contact us if you have any questions or would like any additional information. We respectfully request a response to the above by April 25, 2020.

Sincerely,

A handwritten signature in black ink that reads "Kirk Bailey". The signature is written in a cursive, slightly slanted style.

Kirk Bailey  
Political Director

A handwritten signature in black ink that reads "Daniel Tilley". The signature is written in a cursive, slightly slanted style.

Daniel Tilley  
Legal Director