



January 29, 2021

Via Email only - thomas.decker@ice.dhs.gov

Thomas Decker
Director, Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
201 Varick Street
New York, NY 10014

Dear Director Decker,

We have received several alarming reports over the last 36 hours from clients at Bergen County Jail that there is no heat in various detainee cellblocks. At least one detainee has been told "the cold will kill the coronavirus, so we're not turning it on." I am sure you are aware of reports from Richwood Correctional Center last year, where temperatures allegedly were lowered to conceal fevers by potentially COVID-positive detainees.

Regardless of whether that remark was made in jest, we are concerned that the lowered temperatures will make it difficult to track who has a fever. There are high levels of community spread in the NY/NJ area, and detainees are vulnerable to infection, serious illness and death if exposed. Given that this is a public health emergency for our clients, we ask that you immediately direct the release of ICE detainees from Bergen. Moreover, this lack of heat is especially concerning considering the extremely low temperatures currently affecting Bergen County, New Jersey, thereby placing our clients at severe risk

We also note that our Bergen clients (and likely the vast majority of ICE detainees at Bergen) fall outside the enforcement priorities articulated in the Acting Secretary's January 20, 2020 memorandum. Those priorities "apply . . . to a broad range of other discretionary enforcement decisions, including . . . whom to detain or release." That memorandum further directs that "all enforcement and detention decisions shall be guided by DHS's ability to conduct operations and maintain custody consistent with applicable COVID-19 protocols."

We appreciate your prompt attention to this situation.

Hasan Shafiqullah, The Legal Aid Society
Sarah Deri-Oshiro, The Bronx Defenders
Andrea Saenz, Brooklyn Defender Services

cc: NYCEROAttorneyInquiries@ice.dhs.gov
Darius Reeves, Darius.L.Reeves@ice.dhs.gov