

September 25, 2020

*Delivered Via Email*

Yuba County Public Health Department  
5730 Packard Avenue, Suite 100 Marysville, CA 95901

Phuong Luu, MD, MHS, FACP Bi-County Health Officer Yuba County and Sutter County  
pluu@co.yuba.ca.us

**Re: Request for Information and Meeting re COVID-19 at the Yuba  
County Jail**

Dear Dr. Luu:

We are contacting your office with respect to a public health concern that presents a unique and ever-growing challenge to our community during the COVID-19 pandemic, namely the threat of COVID-19 at the Yuba County jail, and the state of health care in this facility.

The Yuba County jail presents a unique challenge related to the outbreak of COVID-19 in state and local facilities as it is the only local county jail in the entire state which houses immigrants in ICE custody.

We have heard ongoing reports of terrible conditions at the Yuba County Jail, and are particularly interested in how this facility is upholding standards it agreed to when it contracted with Immigration and Customs Enforcement (ICE) to house civilly detained immigrants in their facility.

The day to day operations of the Yuba County Jail are under the supervision of the local sheriff, and the facility itself is under the jurisdiction of the local public health department. While we very clearly understand immigrants in federal custody are subject to different jurisdictional questions and considerations as compared to the individuals in local jail custody, we are also aware that county jails that have contracts with ICE are subject to certain mandatory requirements<sup>1</sup>, including but not limited to the following:

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<sup>1</sup> ICE ERO COVID-19 Pandemic Response Requirements (Version 3.0, July 28, 2020)  
<https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities.pdf>

- Each facility should “comply with current and future plans implemented by federal, state or local authorities addressing specific public health issues including communicable disease reporting requirements.”<sup>2</sup>
- Each facility should actively engage with local health departments to understand in advance which public health entity has jurisdiction over public health measures for COVID-19 in the facility. <sup>3</sup>
- Each facility must develop a COVID-19 mitigation plan. Administrators should plan and prepare for COVID-19 by “[c]oordinating with public health and correctional partners.” As well as “[i]dentify points of contact in relevant state, local, tribal, and/or territorial public health departments before cases develop.”<sup>4</sup>

These requirements apply to the facility as a whole, and it is the responsibility of the operator to ensure that they are meeting these standards.

In addition to the mandatory requirements related to public health, ICE has issued broad requirements related to the day to day operations of these facilities, including requirements related to health and safety in these facilities. Based on reports in the press and by those detained inside these facilities, it does not appear that the Yuba County Jail is complying with these safety requirements in their daily operations.

In order to better evaluate compliance with mandatory local public health requirements, we kindly request the Department’s response to the following informational inquiry:

**Informational inquiry**

- 1.) What, if any, coordination or collaboration has taken place between the Yuba County Jail and/or the U.S. Immigration and Customs Enforcement (“ICE”) and the Yuba County Public Health Department?
- 2.) Are you aware of or has your department requested assistance from CDPH regarding the spread of COVID-19 in the Yuba County Jail?
- 3.) Has your department been provided a copy of the COVID-19 mitigation plan for the Yuba County Jail either by ICE or the facility operator? If so, please provide a copy of that plan.
- 4.) Is your department receiving reports of confirmed COVID-19 cases from ICE or the Yuba County Jail? If so, please provide that data.

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<sup>2</sup> ICE Performance-Based National Detention Standards (PBNDS) for 2008 and 2011

<sup>3</sup> This requirement is from CDC Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities pg 5, guidance which is mandatory for all ICE detention facilities.

<sup>4</sup> *Id.* at pg 6

- 5.) ICE facility operators must notify local public health agencies of any individual who is ill or isolated and is set for release “to coordinate further monitoring, if required.” Is your department being notified by ICE or facility operators about impending releases?
- 6.) Given the tangible threat to local communities posed by these vulnerable facilities, what if any plan has been developed by your department to ensure proper testing and containment of COVID-19 in these facilities by your department?
- 7.) Has your department issued any guidance regarding COVID-19 that has been shared with these facilities?
- 8.) Do you believe the Yuba County Jail is currently in compliance with local public health orders and requirements?
- 9.) How can individuals detained at the Yuba County Jail communicate directly with the Department of Public Health in order to file complaints regarding their health and safety?

In addition to a written response to the above inquiry, we request an urgent meeting to discuss the ever-growing crisis at the Yuba County Jail and how we can partner to protect the health and safety of staff, individuals presently detained at the facility, and our community at large.

Sincerely,

Hamid Yazdan Panah  
Immigrant Defense Advocates