

March 31st, 2020

Sheriff Jonathan Horton  
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CC: Bryan (Scott) Pitman  
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Etowah County Sheriff's Office  
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CC: Diane Witte,  
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Dear Sheriff Horton,

We are writing to demand you immediately develop, execute, and publicly release evidence-based and proactive plans for the prevention and management of COVID-19 at the Etowah Detention Center and County Jail. U.S. Immigration and Customs Enforcement (ICE) is tracking this outbreak and has publicly stated that nationally some people in detention have met the criteria for testing and several have tested positive for COVID-19. Individuals in your facility report unsanitary conditions and have been on hunger strike demanding better conditions. We demand a written response within the next 48 hours explaining how you are protecting the health of the people in your custody and the people who work in the detention center. **Particularly, we would like to receive (1) a comprehensive and detailed plan for the response to COVID within the jail and in other aspects of ECSO's work and (2) ways to verify whether that plan is actually being followed (e.g., through video and photo evidence, remote confidential access to detainees, etc.)**

People in detention are highly vulnerable to outbreaks of contagious illnesses<sup>1</sup>. To date, we have seen the high level of contagion in New York jails and many counties have released inmates and detainees as a measure to prevent the spread of COVID-19<sup>2</sup>. Protecting the health of people in

detention is a necessary step to protecting the public safety, as detention center staff and ICE officers go back to their homes each night.

Sheriff Horton and Regional ICE Field Director Diane Witte must take responsibility for the health and wellbeing of all the people at Etowah County Detention Center and County Jail. The following are critical issues that need to be addressed without delay:

**Mitigation of risk:** Social distancing has proven to be an effective tool towards the reduction of contagion. Other detention centers and county jails have put in place several measures to reduce the incarcerated and detained population in efforts to reduce risk. We urge you to consider the following:

1. **Release all people incarcerated and detained in the Etowah Detention Center and County Jail.** Immediate action before an outbreak occurs is the best and safest way to prevent the spread of disease and reduce the threat to those most vulnerable in your custody.
2. Release all incarcerated and detained people who are at high-risk of developing complications if they are infected with the novel coronavirus that causes COVID-19
3. Release all incarcerated and detained people who test positive for COVID-19 to an external healthcare facility to receive care. After which that person should be immediately released to their family .
4. Move anyone exposed and in need of quarantine to hospitals and medical facilities. Do not quarantine anyone within the Etowah County Detention Center or any other unsanitary and unsafe jails, prisons, or detention centers.

**Safe & sanitary conditions:** The most basic aspect of infection control is hygiene. At a minimum, there should be:

1. **Ready access to adequate hygiene supplies, both for handwashing and for cleaning** (e.g. soap, CDC-recommended hand sanitizer, bleach, and rags) so that living spaces can be sanitized multiple times a day
2. Continuous education about the effects of COVID-19 and appropriate techniques to minimize risk of contracting or spreading the virus (e.g., proper coughing, sneezing and handwashing etiquette and routine environmental cleaning, social distancing)

**Human dignity:** Federal and state officials have an obligation to protect the health and respect the rights of all incarcerated people.

<sup>1</sup>See NPR, “Prisons and Jails Worry about Becoming Coronavirus “Incubators,” March 13, 2020, available at:

<https://www.npr.org/2020/03/13/815002735/prisons-and-jails-worry-about-becoming-coronavirus-incubators>

<sup>2</sup> See 8 C.F.R. 212.5(b)(1)-(2) (providing for the release of people with “serious medical conditions in which continued detention would not be appropriate” and pregnant women).

1. **End the use of solitary confinement or lockdowns as substitutes for proper medical care or as a social distancing measure.**
2. Ensure that containment measures do not result in the denial of due process, visitation and/or communication rights including emails and phone calls, or access to legal counsel.

**Information & Transparency:** In times of emergency, information and transparency are critical to ensuring that the needs of those most vulnerable among us are met and that those responsible for the health and wellbeing of vulnerable populations are being held to a high standard of care. We demand that:

1. **Sheriff Horton immediately release his plans for safety during this crisis.**
2. The Etowah County Sheriff's Department provide regular daily public updates on the number of cases, any fatalities, and names of those who are ill.
3. Families and lawyers have access to regular communication including, but not limited to free phone calls (including confidential phone calls and videoconferencing with attorneys), email, video visitation and postage mail with those in ICE or County custody.

**Immediately release your plans** to collaboratively address the following critical areas and establish a standard of care that ensures the safety of everyone in the Etowah County Detention Center and County Jail, by:

1. Conducting an on-site inspection that will serve as a needs assessment (e.g., current state, resource needs, identification of at-risk population)
2. Establishing preventive measures to avoid spread of the novel coronavirus that causes COVID-19
3. Including screening, testing, and isolation that is not punitive towards inmates and detainees that follows current medical standards
4. Providing treatment at no cost to those who remain incarcerated, including all co-pays for incarcerated healthcare.
5. Collecting and publicly releasing data regarding COVID-19 as part of your public health response.

Given the urgency of this matter, we request that you, Sheriff Horton respond to our concerns within 48 hours, and schedule a meeting with the Shut Down Etowah campaign. We look forward to your timely response.

Sincerely,  
Shut Down Etowah campaign

<http://shutdowntowah.org/about-the-campaign/>