

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KARLENA DAWSON, et al.,

Petitioners-Plaintiffs,

v.

NATHALIE ASHER, et al.,

Respondents-Defendants.

Case No. C20-0409-JLR-MAT

SECOND DECLARATION OF DR. ADA RIVERA

I, Dr. Ada Rivera make the following statements under oath and subject to the penalty of perjury:

1. I am currently the Deputy Assistant Director for Clinical Services/Medical Director of the ICE Health Service Corps (IHSC) of Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement (ICE). I have held this position since July 2017.
2. In my current position, I oversee and monitor all clinical services at IHSC-staffed facilities that house ICE detainees, including the Northwest ICE Processing Center (NIPC) in Tacoma, Washington.
3. IHSC provides direct medical, dental, and mental health patient care to approximately 13,500 detainees housed at 20 IHSC-staffed facilities throughout the nation.
4. IHSC comprises a multidisciplinary workforce that consists of U.S. Public Health Service Commissioned Corps (USPHS) officers, federal civil servants, and contract health professionals.
5. Since the onset of reports of Coronavirus Disease 2019 (COVID-19), ICE epidemiologists have been tracking the outbreak, regularly updating

infection prevention and control protocols, and issuing guidance to IHSC staff for the screening and management of potential exposure among detainees.

6. Moreover, ICE has maintained a pandemic workforce protection plan since February 2014, which was last updated in May 2017. This plan provides specific guidance for biological threats such as COVID-19. ICE instituted applicable parts of the plan in January 2020 upon the discovery of the potential threat of COVID-19.
7. Also, IHSC has been in contact with relevant offices within the Department of Homeland Security, and in January 2020, the DHS Workforce Safety and Health Division provided DHS components additional guidance to address assumed risks and interim workplace controls, including the use of N95 masks, available respirators, and additional personal protective equipment.
8. I supplement the information from my first declaration in this matter dated March 18, 2020 to include the following: COVID-19 testing is conducted pursuant to *CDC Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities*. The clinician will screen for signs and symptoms compatible with COVID-19, such as fever, cough, difficulty breathing (and other respiratory illness symptoms). He or she will also consider epidemiologic factors such as the occurrence of local community transmission of COVID-19 infections in a jurisdiction and is encouraged to test for other causes of respiratory illness. His or her analysis of these factors will determine if the individual meets the criteria for testing. The local health department is always consulted prior to obtaining samples. The samples are sent to IHSC's contract commercial laboratory, the local health department or the CDC depending on availability of testing.
9. All new detainees are screened the same way as it relates to COVID-19 signs and symptoms during intake medical screenings; they are assessed for fever and respiratory illness, are asked to confirm if they have had close contact with a person with laboratory-confirmed COVID-19 in the past 14 days, and whether they have traveled from or through area(s) with sustained community transmission in the past two weeks. Those that require cohorting are monitored daily. High risk detainees are identified and notification made to ICE for awareness. High risk detainees are monitored through chronic care clinics and all detainees have daily access to sick call and are treated according to their needs.

10. In cases of known exposure to a person with confirmed COVID-19, asymptomatic detainees are placed in cohorts with restricted movement for the duration of the most recent incubation period (14 days after most recent exposure to an ill detainee) and are monitored daily for fever and symptoms of respiratory illness. Those that show onset of fever and/or respiratory illness are referred to a medical provider for evaluation. Cohorting is discontinued when the 14-day incubation period completes with no new cases. In the case of exposure to a person with fever or symptoms being evaluated or under investigation for COVID-19 but not confirmed, the process is the same except that cohorting is discontinued if the index patient receives an alternate diagnosis excluding COVID-19. Detainees that are cohorted together were all identified at the same time. The incubation period starts on day one for 14 days. If during that period there are new arrivals that need to be cohorted, they are placed in a different pod/area for their 14 days. If any individual within these cohorts develops signs / symptoms, they are isolated and the 14 days for the group they were in, starts again. IHSC has had no development of symptoms within cohorted groups since it was started in January, 2020 and the practices are consistent with CDC guidelines.
11. There has not been any positive COVID-19 testing within the IHSC staffed detained population since IHSC started screening in January. While testing has been conducted only on symptomatic (ill) individuals, IHSC monitors daily, separately or within cohorts, detainees who do not have symptoms arriving from countries with community transmission of COVID-19 and detainees with exposure to known positive COVID-19 individuals.
12. The practices described in this and my prior declaration for the screening and prevention of COVID 19 are practices recommended by CDC guidelines.

I declare, under penalty of perjury under 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge, information and belief.

DATED: March 26, 2020

ADA I RIVERA Digitally signed by ADA I RIVERA
Date: 2020.03.26 17:56:05 -04'00'

Dr. Ada Rivera
Deputy Assistant Director for Clinical Services/
Medical Director, ICE Health Service Corps
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement