

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Heredia Mons, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	No. 19-cv-1593 (JEB)
v.	)	
	)	
Kevin K. McAleenan, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**DEFENDANTS' NOTICE IN RESPONSE TO
COURT ORDER**

Pursuant to the Court's minute order dated April 9, 2020, Defendants provide notice regarding the *Mons* Class Members who have been released from a facility within the New Orleans Field Office since April 4, 2020 pursuant to the individualized review of the specific COVID-19 risk factors. As stated in the accompanying declaration of John Hartnett, 38 individuals within the *Mons* class have been released based on the referenced risk factors since April 4, 2020. The accompanying Hartnett declaration also explains the limitations faced by Immigrations Customs and Enforcement ("ICE") in collecting this information based on the manner in which data is maintained and searchable on the relevant ICE systems.

Respectfully submitted,

TIMOTHY J. SHEA, D.C. Bar #437437
United States Attorney

DANIEL F. VAN HORN, D.C. BAR # 924092
Civil Chief

By: ____/s/_____
JEREMY S. SIMON, D.C. BAR #447956
Assistant United States Attorney
Civil Division
555 4th Street, N.W.
Washington, D.C. 20530
(202) 252-2528

Jeremy.Simon@usdoj.gov

Counsel for Defendants

**DECLARATION OF JOHN HARTNETT, DEPUTY FIELD OFFICE DIRECTOR,
NEW ORLEANS FIELD OFFICE**

I, John Hartnett, hereby make the following declaration:

1. I am a Deputy Field Office Director, New Orleans Field Office, employed by the U.S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO). In this capacity, I manage ERO personnel and provide oversight over many of ERO's operations related to the New Orleans Field Office. I also provide oversight over a number of detention facilities within the New Orleans Field Office area of responsibility, including the LaSalle ICE Processing Center in Jena, Louisiana; the LaSalle Correctional Center in Olla, Louisiana; the South Louisiana ICE Processing Center in Basile, Louisiana; the Catahoula Correctional Center in Harrisonburg, Louisiana; the Pine Prairie ICE Processing Center in Pine Prairie, Louisiana; the Jackson Parish Correctional Center in Jonesboro, Louisiana; the Winn Correctional Center in Winnfield, Louisiana; the Richwood Correctional Center in Richwood, Louisiana; and the Adams County Detention Center in Natchez, Mississippi. I have been employed by the former Immigration and Naturalization Service (INS) and ICE since 1995.
2. This declaration is based upon knowledge and information obtained from various records and systems maintained by DHS in the regular course of business. I provide this declaration based on the best of my knowledge, information, belief, and reasonable inquiry for the above captioned civil action.
3. On or about March 18, 2020, the Acting Assistant Director, Field Operations, directed the ERO Field Offices to review all cases of aliens detained in their respective jurisdictions who were

over the age of 70 or pregnant to determine whether continued detention was necessary in light of the COVID-19 global pandemic.

4. On April 4, 2020, the Acting Assistant Director identified certain additional categories of aliens whose individual circumstances should be reviewed to re-assess custody, including pregnant detainees or those who have delivered in the past two weeks, detainees over the age of 60, and detainees of any age with certain chronic illnesses which make them immune-compromised.

5. Individuals who fell into the categories described in paragraphs 3 and 4 were identified through various means, including communications from ERO headquarters and by the Field Offices consulting with medical professionals at the respective facilities. In the New Orleans Field Office, there are currently 12 detention facilities that house more than 5,500 alien detainees.

6. The Field Offices did not implement an official tracking system of the cases that it reviewed for possible release based on the criteria in paragraphs 3 and 4. In addition, specific paperwork is not always generated to reflect a case was reviewed, particularly if the detainee's case was reviewed and the ERO Field Office's decision was to continue detention. Some individual reviewing officers input a notation that an individualized review based on the criteria had taken place in a law enforcement database, but specific and uniform documentation was not implemented. Even if the reviewing officer documented the review by inputting a notation in the database that a case had been individually reviewed based on the criteria, but the Field Office's decision was to continue detention, such notations are not searchable in the system.

7. Detainees may also initiate their own request for release. However, there is no method of tracking which detainee requests for release were based on COVID-19 concerns.

8. As such, there is no reliable method for tracking all the cases that were reviewed for possible release in accordance with paragraphs 3 and 4.

9. On April 3, 2020, ERO Headquarters issued guidance and implemented a COVID-19 release code for ERO Field Offices to use when a detainee was released based on the criteria in paragraphs 3 and 4. This is a manually entered code. Implementation of new procedures, even emergency ones, take time to implement. As such, an electronic search of release codes may not be completely accurate. Since this new procedure was only implemented on April 3, 2020, it will also not have recorded COVID-19 releases prior to that timeframe, such as individuals released in March during the initial review and release timeframe.

10. Since April 4, 2020, the New Orleans Field Office has released 38 *Mons* Class Members with the appropriate release code pursuant to the individualized review of the specific COVID-19 risk factors. They have been released from the following facilities: Catahoula Correctional Center (4), Jackson Parish Correctional Center (1), Winn Correctional Center (8), Pine Prairie ICE Processing Center (4), and Richwood Correctional Center (21).

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

Executed this 20th day of April 2020,



John Hartnett
Deputy Field Office Director
U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
Oakdale, Louisiana