Re: Request for Parole, Humanitarian Release for Immigration Detainees Vulnerable to COVID-19 and Sufficient Protections for All

Acting Field Office Director John Fabbricatore Community Relations Officer Michael Williams Immigration and Customs Enforcement, Deputy Director and Senior Official Performing the Duties of the Director, Matthew T. Albence Department of Homeland Security, Secretary (acting), Chad F. Wolf

Cc: Facility Administrator Johnny Choate, Senator Michael Bennet, Senator Cory Gardner, Congresswoman Diana DeGette, Congressman Joe Neguse, Congressman Scott Tipton Congressman Ken Buck, Congressman Doug Lamborn, Congressman Jason Crow, Congressman Ed Perlmutter

Dear Field Office Director Fabbricatore,

We write on behalf of legal service providers, medical professionals, faith leaders, elected officials, Colorado immigrant advocates, and concerned community members regarding the humanitarian crisis that COVID-19 presents on the detained population in the Aurora GEO ICE Detention Center.

We urge Immigration and Customs Enforcement (ICE) to immediately grant humanitarian parole to all vulnerable persons in detention, to evaluate all detainees for humanitarian parole, and inform detainees of their right to seek humanitarian release.

We urge GEO to test all high-risk detainees and staff and provide them with results, refuse to accept additional detainees as others are paroled, staff professional janitorial services who are equipped to clean for a health crisis of this magnitude, provide detainees with access to soap and high grade cleaning products free of charge, reassign remaining detainees one to a cell, ensure consistent virtual and phone access to both family members and legal counsel.

Even absent world-wide pandemics, detained populations living in close quarters face heightened risk of uncontrolled transmission. However, COVID-19 represents an unprecedented danger to detained populations that must be proactively addressed immediately. GEO has struggled to control infectious disease outbreaks and routinely resorts to en masse quarantines even for diseases that can rely on "herd immunity" and immunizations. Due to continued reports from detainees, ICE's own reports, and recent lawsuits, we have a well-founded concern that detainees lack timely access to proper medical care and that GEO will not have the medical capacity to handle a COVID-19 outbreak. Our health-care systems are already at risk of being overwhelmed. These systems cannot afford to take on the unnecessary increased risk of uncontrolled transmission due to close quarters of detention facilities, nor community spillover from a facility.

In light of this, we strongly urge you to exercise your discretionary authority and take the following proactive and protective measures:

Immediately grant humanitarian parole and release the most vulnerable detainee population, including individuals who are fifty years or older, who have medical conditions, or who are immuno-compromised. Continued confinement of this particularly vulnerable group is a gross violation of their civil rights and liberties and exposes them to a government-created danger. ICE can easily identify such individuals through its detainee intake form and medical records, and by having detainees self-identify. The de minimis administrative burden of identifying impacted people surely does not outweigh the importance of protecting high-risk detainees from this fatal infection.

Evaluate the remaining detainee population for humanitarian release. In the event of an outbreak, GEO is institutionally and physically incapable of safely housing hundreds of detainees for the reasons described above. After releasing the most vulnerable detainees from GEO, ICE should then evaluate remaining persons for immediate release. Their continued detention will guarantee a widespread and uncontrollable outbreak and therefore demands swift, preventative action.

• ICE has wide discretion to release detainees and ought to exercise its authority given these urgent humanitarian circumstances. ICE may release persons under its parole authority. See INA §236(a)(2)(B); 8 C.F.R. § 212.5(b)(1)–(2) (providing release of persons with "serious medical conditions in which continued detention would not be appropriate," and pregnant women).

Inform detainees of CDC recommendations for their protection, and their right to seek humanitarian release. Provide detainees with up-to-date information about COVID-19 so persons can self-identify and understand the health risks of continued detention. This is crucial, as many detainees have relevant medical histories or conditions not known to ICE, such as chronic smokers, persons with prior respiratory conditions, and individuals with other undiagnosed conditions.

Ensure any detainee who remains in the facility, whether under medical quarantine or not, has ongoing access to confidential communication with prospective and current counsel. Any person who remains at GEO during the pandemic—whether in medical quarantine or not—must have ongoing access to confidential communication with their attorneys, prospective attorneys, and the Legal Orientation Program. This communication should remain in-person to the fullest extent possible and, where not possible, should be facilitated through confidential phone and televideo calls at no cost to the person in detention.

Ensure detainees have access to their hearings in immigration court and promptly notify the court in the event a detainee's medical status prevents their appearance. If EOIR continues to remain open, detainees must have full access to the courts with the option of making in-person appearances. ICE must provide adequate medical safeguards and accommodations to ensure that no one is forced to choose between their health or an in-person court appearance.

Ensure any detainee who remains at the facility does not have to share a cell, that there are enough medical beds and prison staff to ensure the safety of anyone who is not released.

Ensure any detainee who remains at the facility has thorough access to preventive measures, medical testing, and treatment without cost. Detainees must have increased, unrestricted access to hygiene products and opportunities, such as soap, showers, towels, sheets, sanitizing wipes and clean water, frequently and at no cost to incarcerated people or their families. Additionally, testing and treatment should be available without fear of reprisal or punishment. People should feel safe reporting illness or symptoms, which means that no further punitive measures should be implemented.

Ensure any detainees who remain at the facility are not subjected to further punitive measures that do not follow CDC recommendations for containing the virus. People should not be placed in cells designed for solitary confinement, be denied or have restrictions on visits, lose opportunities to communicate with people outside through mail/phone/video, or have restricted access to legal assistance, or privileges within the facility. These restrictions only further exacerbate negative mental and physical conditions. The GEO facility should encourage and facilitate video visitation by covering the cost of video visitation and calls. Further, to improve mental health outcomes, people should be given greater daily access to outdoor space in smaller groups to where they can maintain safe distances of 6 feet.

Contract for frequent sanitation and cleaning of the facility as recommended by the CDC. Ensure any detainees who remain at the facility are not the ones providing this service or any other as part of an emergency response plan. Forcing incarcerated people who are at an incredibly high risk of infection to provide any services is not a valid emergency response and is exploitation.

Policies adopted in response to COVID-19 should be transparent and public. The Colorado Field Office and Aurora GEO Detention Center must provide clear and immediate information on the status and health of loved ones to families and friends. GEO must be transparent about their plans and procedures in response to COVID-19 and how the facility will be more vigilant about medical care.

Provide additional and more nutritious food, and enough time to eat it. To give detained individuals the best chance at preventing any illness, there should be an increased focus on adequate nutrition as part of prevention efforts. Detainees should have access to additional nutritious foods at meal times at no cost to them. Detainees should have adequate time to eat meals. The reported 5-10 minutes currently given are insufficient.

Given the unprecedented dangers of COVID-19 and the rapidly expanding health crisis and the dangers unique to detention facilities, the signatories to this letter urge ICE and GEO to take these actions immediately.

BACKGROUND:

- The World Health Organization has declared COVID-19 a pandemic and both the country and the state of Colorado have declared a state of emergency.
- Transmission rates are higher for this virus world-wide because no immunity to this disease currently exists in any population.
- Colorado has the 5th most known COVID-19 cases in the country.
- Infection with COVID-19 is associated with significant morbidity.

- Individuals with other medical conditions including diabetes, immunocompromised individuals, and older people are at a higher risk of severe disease and death if they contract COVID-19.
- Based on a recently published systematic review of the literature, at least one fifth of infected cases require supportive care in medical intensive care units. Equally concerning is the fact that despite the implementation of optimal supportive interventions, case fatality rate among hospitalized patients is more than 10 percent.

Respectfully,

Colorado People's Alliance and the American Friends Service Committee

Medical Professionals

Anesthesia Mr. Jim Woelk

anesthesia CRNA Shoshana Ringel

Cardiologist MD, FACC, FACP, Associate

Professor Barbara Abrahams, MD

Children and families Child therapist

Amanda Nooter

EM, FP Physician Assistant David Stallings

Family Medicine Clinical Director of

Primary Care & Pediatrics Megan

Champion

family medicine MD Penny Thron-Weber

Family Medicine Dr. Upasana Mohapatra,

MD

Family Practice Dr. Douglas A. Fairbairn,

M.D.

Gender-affirming care and autism Licensed

Professional Counselor Candidate Jessie

Read

hospice medical director Dr. Beth

Hirschfield

internal medicine geriatrics associate

professor of medicine Evelyn Hutt, MD

Internal Medicine, Public Health MD, MPH

Douglas C Fiero, MD, MPH

Mental health Lcsw Nicole moore Lcsw

Mental Health LCSW Robin List

Midwife CNM Emily Daniels CNM

Obstetrics RN Adele Hart

Pediatrician Dr. Deanne Hufnagel Wingerter

DO

Pediatrics Dr. Wendy Zerin

Personal care assistant Home healthcare

worker Xochimilco is

Psychiatrist Life Distinguished Fellow of the

American Psychiatric Association and

Member of the Ethics Committee and past

President of the Colorado Psychiatric

Society Mark Trubowitz, DO, LDFAPA

Public Health BSN, MS Alan J Winter

Public Health RN Mary Bundy

Rehab RN Arianna Pedersen

Sepsis RN Tess W., BSN RN

Sociology Professor Jennifer Reich

Trauma Recovery Laura Vogel, MS LPC

Laura C Vogel

Women's Health Care Certified Nurse

Midwife Gillian B

R.N. Ann A. Fairbairn

Student Physical Therapist Ekaterina

Barkova, Student Physical Therapist

CNM Janessa Landeck

MD Janine Young, MD, FAAP

Wellness RN Jean Leaman Spicher

Dr. Jeffrey Haber

Behavioral Health Provider Jessica

Medsker

Student Lillian Toaspern

Student Physical Therapist Marissa H

Dr. Michael Himawan PT, DPT

Ms. Michelle Driessnack DPT Student

RN Sarah Battista Registered Nurse Susan Piper

Elected Officials

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Rep. Tom Sullivan, Hd 37

Rep. Tony Exum Sr. HD 17

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Rep. Lisa A. Cutter, HD25

Rep. Steven Woodrow, HD 6

Organizations

350 Colorado Immigrant Freedom Fund of Colorado

350 Colorado Springs Indivisible Colorado
9to5 Colorado Indivisible Denver

ACLU of Colorado Indivisible Front Range Resistance
AMBG Consulting ISAAC of Northern Colorado

ANSWER Coalition - Colorado Joy as Resistance
Arvadans for Progressive Action Kaizen Food Rescue

Atheist Community of Colorado Springs Mariposa at the Althea Center: Embracing

Wholeness

(ACCS)

Atlantis Community, Inc

Migrant Center for Human Rights

California Immigrant Youth Justice Alliance Mijente

Casa de Paz Mile High Connects

Center for Health Progress

NAACP Boulder County

Chinook Fund

NAACP State Conference

CIRCLE Organization National Immigration Project of the

Colorado College Refugee Alliance

National Lawyers Guild

Colorado Common Cause

Never Again Action
Colorado Consumer Health Initiative

New Era Colorado

Colorado Fiscal Institute Northwest Indiana Resist

Colorado Immigrant Rights Coalition Party for Socialism and Liberation - Denver

Colorado Jobs with Justice Philanthropiece Foundation

Colorado May Day Club, CPUSA ProgressNow Colorado
Colorado Organization for Latina RAICES

Opportunity and Reproductive Rights Rowen's Consulting, LLC

Colorado People's Alliance

Safehouse Progressive Alliance for

Colorado Poor People's Campaign Nonviolence

Conservation Colorado Sanctuary for All

Convivir Colorado Snohomish Immigration Advocacy
Denver Action Medic Network Soul 2 Soul Sisters

Denver Alliance for Street Health Response

The Climate Mobilization - Colorado

Denver Area Labor Federation, AFL-CIO

The Denver Foundation

Denver Justice and Peace Education Fund
The Equity Project, LLC

DJPC The Partnership for Working Families

Denver Showing Up For Racial Justice The Village Institute (SURJ) Together Colorado

Denver University Transformative Freedom Fund Forever Indivisible Unite North Metro Denver

Four Winds Anerican Indian Council Uplift Climate

Fuerza latina Utah Coalition to Keep Families Together

Voces Unidas-Louisiana Immigrant's Rights

Coalition

Warm Cookies of the Revolution

WESTWOOD UNIDOS

New Sanctuary Coalition

View Friends Meeting

Sanctuary Everywhere

Temple Micah

Presbyterian Church USA

Congregation Rodef Shalom

Youth On Record

YuCo Indivisible & Friends Group

Park Hill United Methodist Church

Rodfei Tzedek social justice team of

Peace & Justice Committee of Mountain

Sanctuary justice group of First Unitarian

Mountain View United Church, Aurora, CO

Religious Organizations

10:30 Catholic Community

Bend the Arc- Denver

Boulder Valley Unitarian Universalist

fellowship immigration justice task force

Central Presbyterian Church

Congregation Bonai Shalom

Congregation P'nai Or of Portland

Episcopal Church of the Holy Redeemer

Foothills Unitarian Church

Holy Family Catholic Church

Interfaith Immigration Network

Justice Matters Ministry at Most Precious

Blood Catholic Church Most Precious Blood The Colorado Council of Churches The Episcopal Church in Colorado

The Interfaith Alliance of Colorado

Clergy

Rabbi Amanda Schwartz

Rev. Amy Petré Hill

Reverend Andrew Boesenecker

Pastor Ben A. David Hensley

Clergy Bert Chilson

Reverend Bobbi Wells Hargleroad

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PhD Susan Luerssen

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Sister Sheila Karpan Minister of Youth and Families, Amanda

Sister Catherine Mueller Osenga

Minister Joan Levine Congregation President Alan Hanawalt

Legal Professionals

Ms. Elena Klaver, USCCI Professor Catherine Smith, University of

Professor of Law Torts, Civil Rights

Mr. Rick D Bailey Denver Sturm College of Law

Dr. International Human Rights Paula R Attorney (retired) Criminal defense,

Rhodes Mitchell Baker

Attorney Corporate Paul E Roberts Student Attorney Civil Rights Stephanie M.

Arash Jahanian Immigration and Civil Frisinger

Rights, The Meyer Law Office, P.C.

Law student Immigration Skylar Larson

Attorney, Civil rights, Immigration Rathod Corporate Counsel IP Katherine

Mohamedbhai LLC McCormack

Individuals

Abbie Fagerwick Ms. Alice Behavioral Health and Abby Stahl Alicia Michaud Wellness Director Ana

Abby Thorpe Alina Dziecharska Lara-Roca

Abigail Hutchings Allie Ana Moreland Adam Arambarri Allison Blakeney Anastasia Hill Legal Advocate Adi Allison Hunter Anaya Robinson

Marquez Allison Spencer-Driden Andrea Adison Quin Petti Ally Beizer Andrew

Aditi Aly Bortle M.Sc. Andrew J Martin

Adrian Mintzmyer Alyson Nutter Andrew Kenney
College Counselor Adriane Alyssa Hurt Andrew Sebald
Genette Alyssa Paretta Outreach Angela
Adrien Schless-Meier Teacher Amalia Angela Daniels

Adryanna Kenna Sadge Amanda Ann Lederer

AJ Durben Amanda Gonzales Ann Musman Quigley
Alainna Belknap Amanda Kepus Social Outreach

Dr. Alan C Schlessman Amanda Rea Coordinator, Ann Zimmer

Alease Ann Howard Amelia Professor Anna Muraco
Mr. Alejandro Fuentes Dr. Amy Engelman Ms. Anna Reusink

Alex Borenstein Amy Fisher Anne Becher Alex Casas Amy Sanchez Annette merino

Alexandra Ana Cornelius Annie

Alexis Staley Any Snodgrass

Ali Newton Aparna

Community Leader April Undy Brianna Vanegas Christine Zaldivar Apryl March **Britney** Arden Edwardsen **Brittney Buckley** Cindy Maxey Ariana Badran Mom Brooke Pulsinelli CJ Campbell Ariane Walder Student Bryanna Cailin Ms. Cleo Dioletis Arnie Carter Marsden Ms Colleen Bryan Dr. Arnie Schultz Teacher Caitlin Long Collin Burgess Arpi Miller Con Banayad Callin Cherry Arthur C Curtis Carol Harr Connie Curtis Carol L Simmons Connie Romero Arvana Ivev Asher Phairchyld Carol Morris Connor Marvin Carol Steele Ashley Haag Cooper Cohen **Aubrey Boggs** Carol Tumaylle Corina Jones

Audrey DeBroux Johnson Caroline Constantine Corky Treacy Thompson

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Educator Benjamin Petrie Cayenna Johnson Dana Barattin
Bennett Nieberg Celeste Razavi-Shearer Dana Villareal
Mr. Bennett Rutledge Dr. Celeste Rossmiller Daniel Galansky
Bergen Ellis Celisa Bryant Teacher Daniel Paly
Life skills manager, Charles Boyce Daniel Roetzer

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Duane GallFelice MagistraliHeather HernandezDuane Taylor IIIFelicia BracamonteHeidi M. ParishDwan PettiFeven yohannesHenry D.Miller

E. Williams Flora Block Hoku

Dr. Edelina M. Burciaga Founder, Fran Simon Mr. Ian Jentz Eden Hankins Dr. Francis X.Gaebler, Ilana Rosenberg

Edwin Schuett PsyD Teacher Ilyanna Kreske Eileen McCarthy Arnolds Francisco Di Poi Incarnacion Kluding-

Eli Rosen Program Director, Gabriela Rodriguez
Children & Youth TA Flora Isabel Bohrer
Coordinator Elicia Gavrielle Sipion Isabel Villalon
Goodsoldier Gayla Maxwell Martinez Isis Usborne
Elisabeth Rogolsky Gayle Renick Jac Trice

Elizabeth Fritzler Community Member, Jack Flotte
Elizabeth Hyatt Gena Ozols Jaclyn Ballesteros
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Elizabeth Kersey Director of Finance Geoff Jada Marie Menjivar

Professor Elizabeth Mahon Brovich Jade Cooley

Jaelyn CoatesJoey MorrisKate TravisJake CohenJohanna StrandKathleen

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Jamie Utt-Schumacher Student Jonathan Veit Kathy Derrick Jane Paige Noon Program Director Jordan Kathy Meyer Jasmine Retland Garcia Kathy Partridge Jean Demmler Jordan Gertner Kathy White Jeanne Ormiston New patient coordinator Katie Blakey Jeff Thomassen Jordan Plath Artist Katie orr

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Jennifer Hawk Powell Levario Account Manager, Kayla

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Teacher Jessica Metzler Assistant Professor Julie Program ManagerKelsie

Jessica MooreSeteleMichelsonJessica MurisonJulie SlaterKelye LotzJessica OliveJustin SmithKenneth stevensJessica RamosKalKenton VisserJessica SoulisKalieKerianne Smith

CEO Jessica Stitcher Kalie Mcmonagle Kerri

Jessica WhetselKappy HallBoard member of theJessie RomeroKappy HallAbrahamic InitiativeJesus CastroVolunteer Karen Enomotointerfaith dialogue group,

Jill MooreKaren J CrandallKevin AmirehsaniJJ WheelerKaren RojasKezia LozanoJo Hannah FischerKarina MonteroKiara ChavezDr. Joan MeyersSales RepresentativeKimberleyJoan RingelKassidy SmithKimberly Smith

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Dr. Kirstin Noreen Liam DelMain Mairin

Klarissa Petti Citizen Liam Kirby Makaila Rosin Marceline Kodi Phelps Libby Palmer Koki Atcheson Lilah Park marcia kahn Lilly Redford Korla Leaman-Miller Margaret Garcia **Kortney Morrison** Dr. Lina Reznicek-Parrado Margaret Kantz Kris DeForest Linda Banayad Margaret Schmitz Kris Spaeth Dr. Linda During Associate Professor Kristen Autret Linda Fredericks Margaret Thompson Ms. Kristen Fleecs Linda Kennedy Marge Norskog KS Arnold Linda Mahan Marguerita

Kurt Hulse School social worker Marguerite Wagner
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Laura Dravenstott Liyu Berhanu Marilyn Winokur
Laura Gonzalez Liz Marissa Graham
Hotline Coordinator, Laura Liz Cook Marissa Moss
Peniche Logan Smith Mark A Clarke

Teacher Laura Resetarits Ert Lola VH Mr. Mark Clarry Laurel Simpson Teacher Lorelei Jackson Marsh Lahowetz

Educator Laurel Singleton Lori K Jencks Martha Crawley
Lauren Berent Louise Dwight MD Martha D'Ambrosio

Dr. Lauren Dobson

Lu Wright

Martin Morris

Lauren Mutch

Lucas Strom

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LaurenJohnson M Olkowski **Assistant Professor** Laurie A. Pasricha Mac Liman Martine Lappé Dr. Laurie Schwartz Madeleine Hendrick Mary Alyce Behrns Leah Plath Madeleine Smith Mary Ann Thompson Leah Rachlis Madeline Nicholson Mary Ann Thompson Lee Fishet Madhavi Mary Grace Reaville

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Melina Bixler Professor Nishant Rebecca Trafton 6th Grade Teacher, Upadhyay Rekha Ohal

Melissa Hawkes Principal Noah Tonk Cultural Educator Renee

Melissa Kerce Noelle Martínez Millard-Chacon Melissa Shute Oliver Thornton Renee Najera Michael Fitts Olivia Amore Petipas Rennie boele Teacher Michael Gray Ms. Paola Rodarte Richard Argys Pat Fritzler Richard Barahona Michael Kyon Michaela Petti Pat Madsen Mr Richard Creswell

Patricia Bourdeaux Richard Smith Miguel Mike A. Ramsey Patricia Lohman Risa Aqua Mike Martin Dr. Patricia Rita Bouzoubaa **Educator Performer Mina** Rita Rinner MacCorquodale Groom Patricia McCormick Robin Lander Mina Jackson Patricia Murtha Robin Williams Dr. Patricia Olson Robyn Metcalfe Miriam Golomb Mishaela Bishop Patricia Pi Rocio Canteli

Molly Clarry Assistant Professor, Paul Romaine Tacznosky

Rodrigo Lugo

Patrick Buckley

Molly Cohen Adler Rorey King

Mo Adams

Rosalie Munk Seamas Susan Sandoz

Selina Rosemary McDonnell-Susan Shapiro-Holleman

Ms. Shaina Oliver Horita Susan Taylor Shannon Mitchell **Small Business Owner and** Susan Walter Graduate Student Rowen Ms. Sharon Rogenmoser Ms. Susan Zager Thomas Shauna Morgan-Sherman Susanna Dummit

Professor Suzanne Kent Teacher Roxanne Stern Shay Woodall

Ruth Baheta Psychotherapist Shen Talia Cohen Ruth Berhanu Tamim Shaikh Maria Hollcraft

Ruthie Rabinovitch Tammy Chamberlain Sheridan Snapp Saadia Behar Tania Soto Valenzuela Sherry Kenney

Student Sabrina Manzo Shira Weiner Tanira Boddie Salem Hannah Yohannes Tara Dye Shirley Montoya

Sally Madsen Shoshana McClarence Teacher Tara Haskins M.A. Sally Nathenson-Mejia Tatum Verbrugge

Sally Yerger Siobhan Bales-Taylor

Sam Gibson Heisterkamp Taylor Johnson Assistant Professor Sofia Sam Moccia Taylor Jones Samantha Tera Bock Chaparro Tera Jones Samantha Pease Sofia Halpin Teresa Perez Sara Avery Soledad Tafoya Sara Beth Ford Sophie Glass Teresa Ruby Sara Crawley Stephanie Brooke Chavez Teri Schwartz Sara Larson Stephanie Hogan Terri Elaine Lowe Sara Malone Teacher Stephanie Pio Therese Inman

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Vivian Montalvo

Wendy Baring-Gould

Wesley Noyes

Student Whitney

Buckendorf

Dr. (PhD) Whitney Duncan

William Brooks

Mr William Malcolm

William Rice

William Robinson

William Spellmann

Wisdom Amouzou

Xochilt Alamillo

Outreach and Organizing

Manager, Yadira Solis

Yona Smith

Yoselyn

Zachary D Booz