

NEW YORK DIGNITY NOT DETENTION ACT

THE PROBLEM: On any given night, hundreds of New Yorkers are detained by ICE in jails and prisons across the state. They are subjected to **inhumane conditions** and **separated from their families and communities**. Although New York became a leader in banning private prisons in the criminal legal system in 2007, it is **falling behind when it comes to protecting immigrant New Yorkers**. Several counties in New York profit off of immigration detention and ICE is actively seeking to expand detention in New York.ⁱ

THE SOLUTION: The **New York Dignity Not Detention Act (S7373/A7099A)** gets New York out of the business of immigration detention.

HOW DOES THIS BILL HELP NEW YORKERS?

Keeps New York families and communities together

- Immigration detention not only dehumanizes the individuals detained **but harms and traumatizes their loved ones and communities**.
- Forced separations from parents, even when brief, can have severely detrimental impacts on children, including triggering anxiety, depression, post-traumatic disorder, and psychological distress.ⁱⁱ This reinforces the urgent need to keep New Yorkers out of detention and with their families.
- The **Biden Administration has continued aggressive immigration enforcement** and significantly increased detention nationwide.ⁱⁱⁱ

Protects people from harm

- Conditions in detention are indicative of the **neglect, abuse, and even torture** people inside detention face. Deplorable conditions have been reported in New York detention facilities, including unsanitary living conditions, inedible food causing illness, and extremely cold temperatures.^{iv}
- The COVID-19 pandemic has highlighted the **dangers of detention**. Correctional officers are often observed not wearing personal protective equipment (PPE), social distancing is impossible, and medical care is often delayed or inadequate.^v The virus continues to surge in immigration detention—more than 40% of all cases in ICE detention nationwide since the pandemic began have been reported since April 2021.^{vi}

Maintains New York's commitment to immigrants' rights and racial justice

- Similar legislation was successfully passed and signed into law in Maryland (SB 478)^{vii}, New Jersey (S3361, A5207)^{viii}, California (SB 29, AB 103)^{ix}, Washington (SB 5497, HB1090)^x, and Illinois (SB0667).^{xi} The New Mexico state legislature is also considering a bill that would prohibit private immigration detention contracts (HB40).^{xii}
- **New York does not believe that entities should profit from imprisonment.** In 2007, New York passed legislation that prohibited the operation of private prisons in the state and committed itself to end incarceration for profit.^{xiii} The NY DND bill closes a loophole that has allowed immigrant New Yorkers to be prisoners for profit in NY for many years. This legislation will put NY back as a leading state in immigrant rights.
- Immigration detention **disproportionately affects Black and Brown New Yorkers**. By ending its contracts with ICE, New York can stand up for Black and Latinx communities in New York.

WHAT DOES THE BILL DO?

1. Prohibits NY governmental entities from entering immigration detention contracts and from receiving any payments related to immigration detention.
2. Prohibits NY governmental entities from renewing any existing immigration detention contracts.
3. Requires any NY governmental entities with existing immigration detention contracts to exercise the termination provision in the contract.
4. Prohibits any person, business, or private entity from owning or operating immigration detention facilities.

Endnotes

ⁱ In October 2020, ICE issued a Request for Information seeking to add detention sites in New York within a 60-mile radius of the ICE New York City Field Office. See Monsey Alvarado, “Will ICE Open Other Detention Facilities in New York, New Jersey, or Pennsylvania?” NorthJersey.com (Oct. 27, 2020) <https://www.northjersey.com/story/news/new-jersey/2020/10/27/ice-scoping-out-new-detention-center-locations-nj-ny-and-pa/6041046002>.

ⁱⁱ See Nora Ellman, *Immigr. Det. Is Dangerous for Women’s Health and Rts.* CENTER FOR AMERICAN PROGRESS (Oct. 21, 2019), <https://www.americanprogress.org/issues/women/reports/2019/10/21/475997/immigration-detention-dangerous-womens-health-rights/>; CHILDREN’S RIGHTS LITIGATION COMMITTEE OF THE AMERICAN BAR ASSOCIATION SECTION OF LITIGATION, TRAUMA CAUSED BY SEPARATION OF CHILDREN FROM PARENTS (2020), https://www.americanbar.org/content/dam/aba/publications/litigation_committees/childrights/child-separation-memo/parent-child-separation-trauma-memo.pdf.

ⁱⁱⁱ See Philip Marcelo and Gerald Herbert, “Immigrant Detentions Soar Despite Biden’s Campaign Promises.” AP News, Aug. 5, 2021, <https://apnews.com/article/joe-biden-health-immigration-coronavirus-pandemic-4d7427ff67d586a77487b7efec58e74d>.

^{iv} See Orange Conditions Report, https://drive.google.com/file/d/1yN_M4ehG9Ik_cAkKcYcYQaFbephRzHvI/view?usp=sharing.

; Kenneth C. Crowe II, “Complaint Alleges ‘Filthy Living Conditions’ for Immigrants At Local Jail.” Times Union, Sept. 21, 2021, <https://www.timesunion.com/news/article/Complaint-alleges-filthy-living-conditions-for-16477034.php>.

^v See Orange Conditions Report, https://drive.google.com/file/d/1yN_M4ehG9Ik_cAkKcYcYQaFbephRzHvI/view?usp=sharing.

^{vi} Maura Turcotte, “Virus Cases Are Surging At Crowded Immigration Detention Centers in the U.S.” The New York Times (Sept. 6, 2021) <https://www.nytimes.com/2021/07/06/us/covid-immigration-detention.html>.

^{vii} Sofia Garay, “Maryland General Assembly Overrides Hogan’s Vetoes on Immigration Protection Bills,” The Diamondback, (Dec. 13, 2021) <https://dbknews.com/2021/12/12/maryland-general-assembly-hogan-immigration/>.

^{viii} Hera Mir, “S3361/A5207 Becomes Law!” New Jersey Immigrant Justice (Aug. 23, 2021), https://www.njimmigrantjustice.org/s3361_a5207_becomes_law.

^{ix} Immigrant Legal Resource Center, “SB29 Signed!” (Nov. 2017) https://www.ilrc.org/sites/default/files/resources/c_infographic_imm_jail_final.pdf.

^x The Associated Press, “Washington Gov. Jay Inslee Signs Bill Banning For-Profit Jails, Including Large ICE Detention Center in Tacoma,” The Oregonian (Apr. 15, 2021) <https://www.oregonlive.com/pacific-northwest-news/2021/04/washington-gov-jay-inslee-signs-bill-banning-for-profit-jails-including-large-ice-detention-center-in-tacoma.html>.

^{xi} Brandon Lee, “Illinois Way Forward Passes IL Senate.” Illinois Coalition For Immigrant And Refugee Rights (May 28, 2021) <https://www.icirr.org/News/Illinois-Way-Forward-Passes-IL-Senate>.

^{xii} Detention Watch Network, “Local Communities Advance State Legislation to Reduce Immigration Detention, As Biden Has Yet to Shut Down ICE Detention Centers,” (Mar. 17, 2021) <https://www.detentionwatchnetwork.org/pressroom/releases/2021/local-communities-advance-state-legislation-reduce-immigration-detention>.

^{xiii} 2007 N.Y. Sess. Laws Ch. 202 (S-4118-B).