

## IMMIGRANT DETENTION IN NEW YORK

In New York, ICE has been expanding detention over the past fifteen years. In 2007, there were only 19 facilities capable of detaining immigrants across the state.<sup>i</sup> By 2018, there were 76 facilities that maintain contracts with ICE for immigration detention.<sup>ii</sup> To date, there are approximately 83 facilities capable of housing immigrants for ICE in New York state, and ICE is actively seeking to expand immigration detention around New York.<sup>iii</sup>

The Dignity Not Detention Bill (S7373/A7099A) gets New York out of the business of immigration detention. County jails in Chautauqua, Clinton, Orange, and Rensselaer counties continue to actively support ICE through contracts to detain individuals for federal immigration purposes. These county jails are currently detaining approximately 90 people on any given night under intergovernmental service agreements with ICE and the US Marshall Service.<sup>iv</sup> At the time of writing, there are 79 people detained in Orange County Correctional Facility (“OCCF”), 5 people at Clinton County Jail (“CCJ”), and 5 people at Rensselaer County Correctional Facility (“RCCF”).<sup>v</sup> There are additional active contracts with county jails that have been used in recent years, but do not currently have any people in immigration detention.

### IMMIGRATION DETENTION FACILITIES IN NEW YORK ARE DANGEROUS

People have reported unsanitary conditions, neglect, and abuse in New York detention facilities. A civil rights complaint was filed against RCCF in September 2021 reporting unsanitary conditions including clogged toilets, inoperable sinks, and failing to provide showers and sanitary pads.<sup>vi</sup> Extremely cold temperatures have been reported at CCJ and OCCF.<sup>vii</sup> According to the 2016 ERO compliance inspection, CCJ broke Department of Homeland Security policy by failing to resolve or note individual complaints of cold temperature.<sup>viii</sup> One person at OCCF reported spending four days in quarantine in an extremely cold cell, filthy with human feces, urine and blood.<sup>ix</sup> People at OCCF also report inadequate or inedible food, causing people detained there to become ill.<sup>x</sup>

**“I have been detained by ICE for 100 days...we spent 8 days without air conditioning and endured a terrible heat[.]... they cut off our water at whatever time they wanted...the water came out filthy and smelling of dead animals[.] We endured hell.” - W., currently detained at OCCF**

The conditions are worsened by medical neglect. At OCCF, there are reports of failing to receive medication and spending weeks waiting for medical attention. One individual had to remove their own tooth, and another never received medical treatment for a broken finger.<sup>xi</sup> Alarming, an Office of Detention Oversight inspection of OCCF showed multiple deficiencies in suicide prevention.<sup>xii</sup> The COVID-19 pandemic continues to

highlight the dangers of medical neglect in immigrant detention.

**“The ICE Officer...violently tugged my chain...my ankle ripped on my shackles and grate, and I fell flat on my face... I was put into a cell and not immediately given any assistance, despite the fact I was bleeding from my head and my ankle was in agonizing pain...I overheard them say ‘let’s just say she fell on her own.”**

– Ms. Q, currently detained at RCCF

Correctional officers are often observed not wearing personal protective equipment (PPE) and social distancing is impossible.<sup>xiii</sup> COVID-19 outbreaks were common in jails across New York, including those used for ICE detention,<sup>xiv</sup> and individuals detained in these facilities continue to be exposed to and test positive for the deadly virus.<sup>xv</sup>

Officers in these facilities perpetuate systematic physical and sexual abuse. At CCJ, officers violated Department of Homeland Security policy by entering housing quarters designated for members of the opposite gender without announcing themselves at CCJ<sup>xvi</sup> At OCCF, claims about sexual violence more than doubled between 2017 and 2019.<sup>xvii</sup> At RCCF, the

recent civil rights complaint detailed an incident of physical abuse during transit, where an ICE employee tugged at an immigrant’s shackles, causing her to fall and suffer an injury to her head. She was covered in blood, but told to clean herself in the sink in her cell.<sup>xviii</sup>

## **NEW YORK COUNTIES ARE UNJUSTLY PROFITING OFF IMMIGRATION DETENTION**

Immigrant detention in New York is driven by profit, not sound policy. Orange, Clinton, and Rensselaer Counties each receive a per diem payment for every individual they detain for ICE.<sup>xix</sup> OCCF receives a per diem of \$133.93; CCJ receives a per diem of \$102; and RCCF receives a per diem of \$97.<sup>xx</sup> Based on the current detained populations at each facility, OCCF, CCJ, and RCCF are earning an average of \$10,580, \$510, and \$485 in total per diem payments, respectively, for detaining immigrants.<sup>xxi</sup>

Although difficult to determine exactly how much money counties generate from their ICE contracts—often because counties do not disaggregate the revenue they earn from detaining people on behalf of ICE from those detained on behalf of the U.S. Marshall Service or other federal agencies—data from Rensselaer County suggests that this revenue represents a mere fraction of that which jails receive from other intergovernmental agreements.<sup>xxii</sup> In 2020, for example, the money Rensselaer County generated as a result of detaining people for ICE constituted only 2% of revenue RCCF earned from intergovernmental agreements related to jail facilities.<sup>xxiii</sup> While these profits constitute a small portion of the county revenue, any profit derived from detention is unjust.

Further, these profits come at high costs. Immigration detention not only separates people from their loved ones and abandons them in dangerous conditions, but it also has economic impacts on immigrant families and contributes to cyclical poverty. A study of people in prolonged detention in California estimated that the lost wages of each person per day

was approximately \$77.<sup>xxiv</sup> Based on this estimate, the lost wages of all immigrants in detention in New York County Jails is nearly \$7,000 per day.<sup>xxv</sup> This regularly causes financial hardship on immigrants' loved ones and communities in New York.

### **DETENTION AFFECTS COMMUNITIES AND LOVED ONES ALL ACROSS NEW YORK**

Detention impacts people outside the walls of any jail, prison, or detention center. The loss of income from an individual can lead to food and housing instability. Other adults in the household may try to increase work hours, but often struggle to find childcare. Some older children may start jobs or change their future plans, often choosing work to support their loved ones rather than pursue an education.<sup>xxvi</sup>

Detention has serious mental health consequences for immigrant communities.<sup>xxvii</sup> In interviews with families and legal services providers, one report found that nearly *all* respondents seemed to be experiencing symptoms of depression.<sup>xxviii</sup> Family and household members of those detained have experienced anxiety, problems eating or sleeping, and chronic conditions like diabetes and hypertension can worsen due to anxiety stemming from detention. Children's mental and physical health is seriously damaged by separations from their primary caretaker.<sup>xxix</sup> The stress of forced separation is correlated with anxiety, depression, PTSD, toxic stress, cancer, stroke, diabetes and heart disease.<sup>xxx</sup> Children also experience developmental regressions and declines in school performance.<sup>xxxi</sup>

**“Do not forget about me and all of us who are here suffering without being able to see our families.”** – S, currently detained at OCCF

### **NEW YORK IS BEHIND**

Across the country, state and local governments are ending contracts to detain immigrants.<sup>xxxi</sup> Even private corporations, such as Bank of America, are cutting ties with ICE.<sup>xxxiii</sup> Legislation similar to the NY Dignity Not Detention bill was successfully passed and signed into law in Maryland (SB 478)), New Jersey (S3361, A5207), California (SB 29, AB 103, AB 32), Washington (SB 5497, HB1090), and Illinois (SB0667). New Mexico legislature is currently considering a private detention facility moratorium bill (HB 40).

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<sup>i</sup> Immigrant Advocates Response Collaborative, “Behind Bars in the Empire State: An Assessment of the Immigration Detention of New Yorkers,” available at <https://www.nyic.org/2/wp-content/uploads/2019/03/State-of-Immigration-Detention-of-NYers-v5.pdf>.

<sup>ii</sup> Leanna Garfield, Shayanne Gal, & Andy Kiersz, “Migrant detention centers in the US are under fire for their 'horrifying' conditions — and there's at least one in every state. This map shows which have the most.” Business Insider (Jul. 5,

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2019) <https://www.businessinsider.com/ice-immigrant-families-dhs-detention-centers-2018-6>.

<sup>iii</sup> See TRAC Immigration, *Detention Facilities Average Daily Population*, current as of 10/28/2021 ([link](#)); 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>

<sup>iv</sup> See TRAC Immigration, *Detention Facilities Average Daily Population*, current as of 10/28/2021 ([link](#)).

<sup>v</sup> *Id.*

<sup>vi</sup> 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>

<sup>vii</sup> See Orange Conditions Report,

[https://drive.google.com/file/d/1yN\\_M4ehG9lk\\_cAkkYCxYQaFbephRzHvI/view?usp=sharing](https://drive.google.com/file/d/1yN_M4ehG9lk_cAkkYCxYQaFbephRzHvI/view?usp=sharing).

<sup>viii</sup> “Enforcement and Removal Operations ERO Buffalo Office Clinton County Jail Plattsburgh, New York.” Office of Detention Oversight Compliance Inspection, Nov. 15-17, 2016. <https://www.ice.gov/doclib/foia/odo-compliance-inspections/2016-clintoncountyjail.pdf>.

<sup>ix</sup> See Orange Conditions Report,

[https://drive.google.com/file/d/1yN\\_M4ehG9lk\\_cAkkYCxYQaFbephRzHvI/view?usp=sharing](https://drive.google.com/file/d/1yN_M4ehG9lk_cAkkYCxYQaFbephRzHvI/view?usp=sharing).

<sup>x</sup> *Id.*

<sup>xi</sup> Garcia, Deanna. “New York Lawmakers Pay a Surprise Visit to Orange County Correctional Facility.” Documented, Feb. 2021, <https://documentedny.com/2021/02/05/new-york-elected-officials-make-a-surprise-visit-to-orange-county-correctional-facility/>; See Orange Conditions Report,

[https://drive.google.com/file/d/1yN\\_M4ehG9lk\\_cAkkYCxYQaFbephRzHvI/view?usp=sharing](https://drive.google.com/file/d/1yN_M4ehG9lk_cAkkYCxYQaFbephRzHvI/view?usp=sharing).

<sup>xii</sup> “Enforcement and Removal Operations ERO New York Field Office: Orange County Jail Goshen, New York.” Office of Detention Oversight Compliance Inspection, Nov. 19-21, 2019. <https://www.ice.gov/doclib/foia/odo-compliance-inspections/2019-OrangeCo-GoshenNY-1119-212019.pdf>.

<sup>xiii</sup> See Orange Conditions Report,

[https://drive.google.com/file/d/1yN\\_M4ehG9lk\\_cAkkYCxYQaFbephRzHvI/view?usp=sharing](https://drive.google.com/file/d/1yN_M4ehG9lk_cAkkYCxYQaFbephRzHvI/view?usp=sharing).

<sup>xiv</sup> See, e.g., “Chautauqua County Jail continues to see COVID-19 outbreak.” Inform NY, Dec 18, 2020. <https://www.informnny.com/news/chautauqua-county-jail-continues-to-see-covid-19-outbreak/>.

<sup>xv</sup> See U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, COVID-19 ICE DETAINEE STATISTICS BY FACILITY( 2021) (available at <https://www.ice.gov/coronavirus#detStat>) (listing that at least one person detained by ICE at OCCF tested positive for Covid-19 as of 11/22/21).

<sup>xvi</sup> “Enforcement and Removal Operations ERO Buffalo Office Clinton County Jail Plattsburgh, New York.” Office of Detention Oversight Compliance Inspection, Nov. 15-17, 2016. <https://www.ice.gov/doclib/foia/odo-compliance-inspections/2016-clintoncountyjail.pdf>.

<sup>xvii</sup> Potter, James. Orange County Sheriff’s Office. “Prison Rape Elimination Act Coordinator’s Annual Report – 2017.” 2017. <https://www.orangecountygov.com/ArchiveCenter/ViewFile/Item/1161>; Potter, James. Orange County Sheriff’s Office. “Prison Rape Elimination Act

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Coordinator’s Annual Report – 2019.” 2019.

<https://www.orangecountygov.com/ArchiveCenter/ViewFile/Item/1163>.

<sup>xviii</sup> 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>.

<sup>xix</sup> Empower, New York Immigration Jails - June 2021 Update 3, 5, 9 (2021)

<sup>xx</sup> *Id.*

<sup>xxi</sup> We determined this dollar amount by multiplying the Average Daily Population in each facility as listed in TRAC by the per diem of each respective county jail as listed in Empower’s report on New York Immigration Jails -June 2021 Update. See Cite to TRACE; Empower, New York Immigration Jails - June 2021 Update 3, 5,9 (2021).

<sup>xxii</sup> Empower, New York Immigration Jails - June 2021 Update 9 –10 (2021)

<sup>xxiii</sup> *Id.*

<sup>xxiv</sup> <https://escholarship.org/uc/item/23h0r12q> (this study found that daily lost wages for their sample of 562 people in detention was \$43,357. We divided by the number of people in the sample to reach the \$77 per day per person figure.)

<sup>xxv</sup> *Id.* (We calculated this figure by multiplying the \$77 figure by the 351 people currently in immigration detention across New York. See TRAC Immigration, *Detention Facilities Average Daily Population*, current as of 10/28/2021 ([link](#))).

<sup>xxvi</sup> <https://www.kff.org/racial-equity-and-health-policy/issue-brief/family-consequences-of-detention-deportation-effects-on-finances-health-and-well-being/>

<sup>xxvii</sup> 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/>;

<sup>xxviii</sup> <https://www.kff.org/racial-equity-and-health-policy/issue-brief/family-consequences-of-detention-deportation-effects-on-finances-health-and-well-being/>

<sup>xxix</sup> 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\\_committee\\_s/childrights/child-separation-memo/parent-child-separation-trauma-memo.pdf](https://www.americanbar.org/content/dam/aba/publications/litigation_committee_s/childrights/child-separation-memo/parent-child-separation-trauma-memo.pdf).

<sup>xxx</sup> *Id.*; Letter from Physicians for Hum. Rts., To Kirstjen Nielson, Sec’y, U.S. Dep’t of Homeland Sec., and Jeff Sessions, Att’y Gen., U.S. Dep’t of Just. (Jun. 14, 2018) (accessible at

[https://s3.amazonaws.com/PHR\\_other/Separation\\_Letter\\_FINAL.pdf](https://s3.amazonaws.com/PHR_other/Separation_Letter_FINAL.pdf)).

<sup>xxxi</sup> <https://www.kff.org/racial-equity-and-health-policy/issue-brief/family-consequences-of-detention-deportation-effects-on-finances-health-and-well-being/>

<sup>xxxii</sup> Romero, Simon. “All Over U.S., Local Officials Cancel Deals to Detain Immigrants.” The New York Times, 28 June 2018,

[www.nytimes.com/2018/06/28/us/migrant-shelters-ice-contracts-counties.html?smid=url-share](http://www.nytimes.com/2018/06/28/us/migrant-shelters-ice-contracts-counties.html?smid=url-share).

<sup>xxxiii</sup> Yancey-Bragg, N’dea. “Bank of America to Cut Ties with Companies that Help Run Immigrant Detention Centers and Private Prisons.” USA Today, 27 June 2019, <https://www.usatoday.com/story/money/2019/06/27/bank-america-cut-ties-detention-centers-private-prisons/1589221001/>.