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Statement Opposing the Extension of Hudson County Jail's Contract with ICE

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Two years ago, the Hudson County Freeholders pledged to end the Hudson County Correctional Facility's (HCCF) contract with ICE by 2020, announcing that, after meeting with community, state, and federal leaders, it had reached "a consensus" on how to "exit the contract in a responsible manner."² Two weeks ago, at a hearing inexplicably advanced to the week of Thanksgiving, the Freeholders abandoned that promise and voted to renew Hudson County's ICE contract for ten years, thus continuing the county's participation in the inhumane, for-profit system of jailing immigrant populations.

At that hearing, over sixty immigrant rights and advocacy organizations mobilized against contract renewal,³ with over one hundred people testifying for nearly eleven hours in favor of ending the contract with ICE. Not a single commenter spoke in support of contract renewal.⁴

As ALAA and SEIU member attorneys, social workers, paralegals, and legal advocates who provide *pro bono* services to people detained at HCCF, we fear the Freeholders renewed the contract without fully understanding the conditions faced by people incarcerated by ICE. Because the Freeholders' vote on November 24 was advanced without sufficient notice, our unionized staff members were regrettably unable to meaningfully participate during public comment. Despite the Freeholders having already voted on the matter, we nonetheless call on the County Executive to rescind Hudson's contract with ICE.

At HCCF, our clients are incarcerated alongside criminally-charged people in indistinguishable conditions. They are ripped from their loved ones, issued orange jumpsuits, and packed by twos into two-by-three meter cells. Beyond the harms inherent to incarceration, our clients regularly report shockingly inhumane conditions at HCCF, including physical and emotional abuse, medical neglect, and psychological trauma. Pleas for medical help are ignored by jail staff. Medical personnel routinely fail to evaluate, diagnose, and treat life-threatening illnesses. Between 2013 and 2019 alone, at least seventeen people died at HCCF.⁵ In addition, people with limited English proficiency are commonly denied access

¹ The Association of Legal Aid Attorneys (ALAA) represents attorneys and law graduates employed at The Legal Aid Society. ALAA also represents attorneys, law graduates, social workers, and legal advocates at The Bronx Defenders. The Service Employees International Union (SEIU) 1199 represents social workers and paralegal case handlers at The Legal Aid Society. This statement does not represent the views of The Legal Aid Society, The Bronx Defenders, or the NYIFUP program, nor the views of ALAA or SEIU.

² M. Alvarado, *Hudson County to End Contract with ICE by 2020*, NorthJersey.com (Sept. 6, 2018), www.northjersey.com/story/news/hudson/2018/09/06/hudson-county-end-contract-ice-house-immigration-detainees/1215264002/

³ *Immigrant Rights Groups Call on Hudson Co. Freeholders to End Contract with ICE*, Insider NJ (Nov. 18, 2020), www.insidernj.com/press-release/immigrant-rights-groups-call-hudson-co-freeholders-end-contract-ice/

⁴ J. Rosario, *Hudson County freeholders approve 10-year ICE contract with jail*, NJ.com (Nov. 25, 2020), www.nj.com/hudson/2020/11/hudson-county-freeholders-flooded-with-dozens-of-calls-to-vote-down-ice-contract.html

⁵ M. Conte, *ICE Detainee at Hudson County Jail Died Due to Woeful Medical Care, Suit Says*, NewJersey.Com (June 3, 2019), www.nj.com/hudson/2019/06/ice-detainee-hudson-county-jail-died-due-to-woeful-medical-care-suit-says.html

to translation services, including during medical visits. People who perform labor while incarcerated are paid one dollar per day, then charged exorbitant commissary prices for basic necessities and edible food. As a result, many of our clients cannot afford to brush their own teeth or properly feed themselves. And because of a byzantine judicial process, they often suffer these inhumane conditions for years.

As COVID-19 spreads in jails across the country, Hudson has failed to respond to the virus humanely or effectively. People have been confined for approximately twenty-three hours per day and forced to clean their dirty cells, some soiled with fecal matter, with no disinfectant. On several occasions, those who dared to protest such conditions were tear-gassed or punished with solitary confinement. During the pandemic, our offices have filed numerous lawsuits challenging the perilous conditions of confinement and courts have affirmed the inadequacy of ICE's meager efforts to safeguard the health and rights of our clients. And over the past nine months, HCCF officials have actively cooperated with ICE's efforts to ensure that our most medically vulnerable clients remain incarcerated despite the grave risks they face while detained during a pandemic without access to protective equipment, hygiene supplies, and other precautionary measures.

While we share the Freeholders' stated concern that ending the contract may push ICE to transfer our HCCF-based clients to distant facilities, the decision to detain lies in the first instance with ICE, an agency that can easily adopt alternatives to detention. Moreover, limited data suggest that when a facility ceases to accept ICE detainees, those detainees are more likely to be released or transferred locally.⁶ Research also indicates that limiting ICE's access to local jails can decrease local immigration arrests in the long term, thereby reducing ICE's disruption of communities and families. And while it should be noted that transfers, especially to distant facilities, would make it impossible for nearby families to visit their loved ones in detention, as it currently stands, our clients—who appear in court and meet with us through low-quality video visitation technology—are already frustratingly distant. If ICE makes the egregious decision to transfer any of our clients out-of-state, we hope to continue our representation and advocacy to the extent that our funders and employers permit.

Detention is not a requisite for sensible immigration policy. ICE has the full authority to release anyone in their custody, and their failure to do so perpetuates the anti-Black, racist narrative that immigrants are “dangerous” and therefore should be caged. In our capacity as members of ALAA and SEIU, we are calling on Hudson County to end its collaboration with ICE and rescind its extension of ICE's contract. We stand in solidarity, not just with the community and immigrant rights organizations who continue to mobilize against Hudson County's contract with ICE, but also with the movements in support of decarceration and abolition that swept the nation this past summer. Given our clients' horrific experiences of abuse, the medical neglect endemic to HCCF, and the health risks associated with COVID-19, now is the time to act to protect our community members and end this contract.

⁶ See Abolish ICE NY-NJ Coalition, *Hudson County Jail The Case for Ending the ICE Contract* (Nov. 22, 2020), www.law.nyu.edu/sites/default/files/Hudson%20County%20Jail%20Report%20Nov%202020_0.pdf