Legislation Details (With Text)

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Title: Resolution urging the United States Department of Homeland Security to end the practice of placing immigrant detainees in solitary confinement, except in emergency situations.

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Date	Ver.	Action By	Action	Result
2/26/2015	*	City Council	Introduced by Council	
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12/31/2017	*	City Council	Filed (End of Session)	

Res. No. 589

Resolution urging the United States Department of Homeland Security to end the practice of placing immigrant detainees in solitary confinement, except in emergency situations.

By Council Members Dromm, Chin, Eugene, Johnson and Menchaca

Whereas, The United States Immigration and Customs Enforcement ("ICE"), a division of the United States Department of Homeland Security, is charged with overseeing and providing for the care, custody, and control of immigration detainees; and

Whereas, According to ICE, New York City's only immigration detention facility, the Varick Federal Detention Facility, was closed in 2010; and

Whereas, Since the closure, advocates have stated that New York City immigrant detainees have been either moved to distant immigration detention centers or detained alongside criminals in state and local prisons; and

Whereas, While, according to ICE, immigration detention is supposed to be a civil, non-punitive measure to ensure detainees attend immigration court hearings and comply with court orders, disciplinary measures and segregation

practices to which immigration detainees are subjected often emulate those used in criminal facilities, including the practice of placing individuals in solitary confinement; and

Whereas, According to ICE, there are 250 immigration detention facilities across the United States with a daily detainee population of approximately 33,000 immigrants; and

Whereas, According to the New York Times article "Immigrants Held in Solitary Cells, Often for Weeks" ("NYT Article") published in March of 2013, solitary confinement is a form of punishment used by detention officers in which an individual is isolated in a small cell and deprived of human contact and other sensory and intellectual stimulation for long periods of time and during which privileges and activities generally extended to the detained population such as phone calls, access to medical care, visitations, and recreation are restricted, if not entirely suspended; and

Whereas, A report of the Heartland Alliance's National Immigrant Justice Center and Physicians for Human Rights entitled *Invisible in Isolation: The Use of Segregation and Solitary Confinement in Immigration Detention* recorded instances in which detainees were placed in solitary confinement as a punitive response to trivial violations such as addressing a detention officer in a foreign language or possessing prohibited food items, to cover up discrimination and abuse within the detention facility, or to discourage complaints about detention conditions; and

Whereas, This report found that detainees who have been victims of assault, have mental health issues, or are lesbian, gay, bisexual, and transgender were disproportionally detained in solitary confinement because facilities cannot accommodate these populations and because officials claimed that solitary confinement offers protection unavailable in the general population of immigration detainees; and

Whereas, According to the NYT Article, approximately 300 immigrants are held in solitary confinement at the largest immigration facilities every day with almost half isolated for fifteen days or more and about thirty-five held in solitary confinement for 75 days or more; and

Whereas, These practices affect New York City immigrants and their families since, according to the 2010 United State Census, New York City is home to nearly three million immigrants, one of the largest immigrant populations in the nation; and

Whereas, According to the NYT Article, there is a lack of effective oversight or even uniform guidelines dictating

when and for how long a facility may place an immigrant detainee in solitary confinement and little opportunity for immigrants to appeal such a decision; and

Whereas, Though the 2011 version of ICE's *Performance-Based National Detention Standards* recognizes and attempts to remedy deficiencies in the care of mentally ill immigration detainees, these individuals continue to be held in solitary confinement without an initial mental health evaluation and without regular quality mental health treatment; and

Whereas, According to the NYT Article immigrants placed in solitary confinement have little meaningful opportunity to appeal the placement since they, unlike criminal detainees, have no right to free, state-appointed legal counsel and have limited access to legal resources and lawyers generally encounter difficulties gaining access to detained immigrants, especially those in solitary confinement; and

Whereas, According to the NYT Article, experts say that individuals held in solitary confinement for fifteen days or more are at a heightened risk for serious mental health problems that may last long, if not permanently, after the individual is released from detention and that solitary confinement can cause severe psychological damage and may increase both violent behavior and suicide among detained immigrants; and Whereas, The NYT Article says that solitary confinement is especially harmful to immigration detainees because it can exacerbate mental health issues that arise from torture or abuse in their home countries, human trafficking, or the anxiety surrounding their immigration case; and

Whereas, Further, the NYT Article states that studies have found extremely high rates of anxiety, depression, and post-traumatic stress disorder among immigration detainees seeking asylum, exacerbated by the threat of and actual employment of solitary confinement; and

Whereas, Mental health afflictions arising from prolonged solitary confinement could impair a released detainees' social interaction, hampering their ability to successfully and safely reintegrate into New York City communities upon release from detention; and

Whereas, In September 2013, ICE released a new directive regarding the use of solitary confinement in ICE detention facilities; and

Whereas, The new policy would evaluate the use of solitary confinement and establish strict limits on the use of solitary confinement, especially among certain vulnerable populations; and

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Whereas, Although this is a step in the right direction, immigrant detainees should not be placed in solitary confinement, except in emergency situations when someone has been physically harmed or threatened, and even then such confinement should only be for the shortest possible duration; now, therefore, be it

Resolved, That the Council of the City of New York urges the United States Department of Homeland Security to end the practice of placing immigrant detainees in solitary confinement, except for emergency situations.

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