Legislation Details (With Text)

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Title: Resolution calling upon the United States Department of Homeland Security to terminate the use of privately-run immigration detention facilities, as well as to limit the use of detention to only those individuals who pose an imminent threat to national security

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Date	Ver.	Action By	Action	Result
5/24/2017	*	City Council	Introduced by Council	
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Res. No. 1483

Resolution calling upon the United States Department of Homeland Security to terminate the use of privately-run immigration detention facilities, as well as to limit the use of detention to only those individuals who pose an imminent threat to national security

By Council Members Dromm, Constantinides and Chin

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

Whereas, President Donald J. Trump's Executive Order 13767, entitled, "Border Security and Immigration Enforcement Improvements," issued on January 25, 2017, called for an expansion of immigrant detention facilities and authorized the use of private contractors to construct, operate or control facilities; and

Whereas, The United States already maintains the largest immigration detention infrastructure in the

world, detaining approximately 380,000 to 442,000 persons per year; and

Whereas, The largest federal client of private prison companies is the DHS; and

Whereas, Increased use of immigration detention directly affects New York City immigrants and their families as, according to the 2010 United States Census, New York City is home to nearly three million immigrants, one of the largest immigrant populations in the nation; and

Whereas, Since 2009, congressional appropriations have conditioned DHS funding to the filling of a minimum number of immigration detention beds, commonly referred to as the "detention bed quota"; and

Whereas, This arbitrary quota set by Congress requires the detention of 34,000 at any given time, which costs taxpayers more than $2 billion each year; and

Whereas, No other law enforcement agency in the United States is subject to a real or perceived quota for detainees; and

Whereas, The for-profit companies that currently run the majority of private prisons in the United States, including the Corrections Corporation of America (CCA) and the GEO Group, are also contracted to operate nine out of ten of the country's largest immigration detention centers; and

Whereas, Courts have acknowledged that immigration detention is intended to be a non-punitive measure to ensure detainees attend immigration court hearings and comply with court orders; nevertheless, disciplinary measures and segregation practices to which immigration detainees are subjected often emulate those used in criminal facilities; and

Whereas, Despite being centers for administrative civil detention, there exist far too many parallels between immigration detention and the criminal prison system in structure, as well as the frequent reports of inhumane conditions and widespread guard and staff misconduct; and

Whereas, Immigrants' rights groups nationwide report that private detention facilities often create significant obstacles for detainees seeking legal counsel and access to justice, despite the right to counsel in immigration proceedings and findings that detainees are significantly more likely to obtain immigration relief

when represented by an attorney; and

Whereas, There are countless confirmed reports of instances where DHS and private contractors have deprived civil immigration detainees of their basic physical and legal rights; and

Whereas, As a result, there have been multiple lawsuits filed on behalf of detained or formerly detained immigrants for constitutional and human rights violations that occurred while in immigration detention facilities; and

Whereas, One such lawsuit filed by New York Lawyers for the Public Interest (NYLPI) on behalf of a group of formerly detained individuals challenged the failure to provide mental health discharge planning for individuals at the time of release from detention; and

Whereas, Through a series of interviews of current or former detainees with serious health conditions, NYLPI found that without discharge planning, individuals with mental illness often face an array of grave consequences when released from detention; and

Whereas, In Colorado, as many as 60,000 current and former immigration detainees may be eligible to join a class-action suit filed against one of the nation's largest private detention companies over forced, unpaid labor; and

Whereas, ICE has periodically updated its Performance-Based National Detention Standards, each time claiming the updates address medical and mental health services concerns, increase access to legal services and religious opportunities, improve communication with detainees with limited English proficiency, improve the process for reporting and responding to complaints, and increase recreation and visitation; and

Whereas, Despite these standards, facility compliance is inconsistent and loosely monitored and there remain countless reports of detainee rights violations; and

Whereas, There are few mechanisms to ensure facilities comply with ICE standards because they are not codified and, therefore, not legally enforceable; and

Whereas, Unlike government-run prisons and detention centers, privately-run institutions are not subject

to the same reporting and transparency requirements, and thus operate outside the purview of public oversight and accountability; and

Whereas, Privately-run immigration detention centers have repeatedly proven themselves unfit or unwilling to meet proper and ethical standards of care; and

Whereas, Based on their investigations, the ACLU and Mother Jones concluded that privately-run prisons provide substandard services in comparison to federally-run prisons; and

Whereas, Prompted by these findings the United States Department of Justice (DOJ), while under President Obama's leadership, announced on August 18, 2016 that it would take affirmative steps to significantly reduce, and ultimately end, its use of private facilities to house detainees; and

Whereas, On February 21, 2017, after President Trump's inauguration, Attorney General Jeff Sessions rescinded this previous directive, signaling a major setback to restoring justice in the criminal justice detention system; and

Whereas, The GEO Group, a significant donor to President Trump's inaugural festivities, saw a sharp rise in the price of its stock offerings which had plummeted after the DOJ's August 2016 announcement; and

Whereas, Other for-profit detention corporations are likely to benefit greatly from the increased use of private detention facilities in both the criminal justice and immigration contexts; and

Whereas, Attaching a profit motive to detention undermines the cause of justice and fairness; and

Whereas, The DHS can no longer ignore the systemic violation of the human rights of immigrants in administrative, civil detention; therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Department of Homeland Security to terminate the use of privately-run immigration detention facilities, as well as to limit the use of detention to only those individuals who pose an imminent threat to national security.

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