

DETENTION IN YOUR DISTRICT

STATE: New York

CONGRESSIONAL DISTRICT: 27

FACILITIES: Buffalo Federal Detention Facility

CAPACITY: 650 (approx.)

Buffalo Federal Detention Facility

The Buffalo Federal Detention Facility (Buffalo) is located in Batavia, New York. The facility operates as a Service Processing Center (SPC) and is owned by Immigration and Customs Enforcement (ICE) and operated by a combination of federal and contract staff. According to 2019 data, the [per diem rate](#) for the facility is \$119.33 for the first 400 people and \$17.29 per person beyond that. According to 2017 data received via Freedom of Information Act (FOIA) requests, the facility has a capacity of [650](#). The facility detains both men and women. According to 2019 [data](#), the average detainee population is 610. In a 2018 [press statement](#), Jeff Searls, the facility's officer in charge, people from more than 80 countries are detained at the facility.

Reported Abuses

In [September 2017](#), the Department of Homeland Security (DHS) Office of the Inspector General (OIG) named the Buffalo facility in a report citing deficiencies in how ICE uses solitary confinement for individuals with mental health conditions. In preparing the report, inspectors toured seven ICE facilities and cited widespread failure to record and promptly report all instances of segregation to ICE headquarters as well as deficiencies in conducting required reviews of ongoing segregation cases. Email records of an [August 2016](#) assessment by the OIG regarding how ICE Enforcement and Removal Operations (ERO) officials manage and oversee the use of solitary confinement for detained individuals with mental health conditions at Buffalo revealed that medical staff do not inform contracted detention officers which detained individuals have mental health conditions. According to the assessment, one facility official stated that "any officer that is on his toes and has people skills can figure out who 'isn't all there.'" The assessment also recorded several instances in which detained individuals were placed in solitary confinement as a means of "protective custody" due to their sexual orientation. In 2019, Freedom for Immigrants affiliated visitation groups received reports of prolonged solitary confinement, including one report of an individual being held in isolation for over 40 days.



Credit: US Immigration and Customs Enforcement

Key Areas of Concern

- Inappropriate use of solitary confinement for individuals with mental health conditions
- Substandard medical care
- Barriers to bond and parole

Data from the ICE Enforcement and Removal Operations (ERO) Detention Reporting and Information Line (DRIL) from 2012-2016 [analyzed by Freedom for Immigrants](#) showed that individuals detained at the Buffalo facility placed the 10th highest number of calls in the country related to sexual and/or physical abuse, equating to approximately one call per 51 people. A [2017 Prison Rape Elimination Act](#) audit conducted by the Nakamoto Group identified three areas where the facility did not meet standards: limiting cross-gender viewing and searches; assessment for risk of victimization and abusiveness; and agency protection against retaliation.

People detained at the facility have shared various concerns with immigrants' rights groups, including poor medical care and lack of sufficient food. A March 2019 [report](#) by the Immigrant Advocates Response Collaborative cites allegations from individuals detained at Buffalo regarding lack of access to health care (including psychiatric medication). In April 2019, Raju Clarke, a national of Jamaica and longtime resident of the United States [reported](#) to Freedom for Immigrants that he nearly died in custody at the facility after being denied treatment for epilepsy. Mr. Clarke reported that facility officials restricted his access to prescribed medications only gave him ibuprofen and denied him access to a neurologist for approximately five months. Mr. Clark reported that, as a result, he suffered as many as two seizures as a day while detained and now struggles with memory loss, cognitive impairment, and anxiety. In 2019, Freedom for Immigrants affiliated visitation groups received reports of insufficient and non-nutritious food.

Barriers to release

In July 2017, the New York Chapter of the American Civil Liberties Union (ACLU) and the International Refugee Assistance Project filed a [class action lawsuit](#) on behalf of asylum seekers detained at Batavia. The lawsuit alleged that asylum seekers who had passed their credible fear interviews and then faced prolonged detention without parole. A federal judge filed a preliminary injunction in November 2017 [ruling](#) that the government needed to "immediately" reform the bond and parole process in Buffalo by informing asylum seekers of the availability of parole in a language they understand, be given a parole interview with an immigration officers, be provided an explanation for their parole decision, and be informed how they can seek reconsideration if parole is denied. The judge also ruled that asylum seekers detained at Buffalo for six months or more should be granted a bond hearing. According to the New York chapter of the ACLU, [nearly 100 people](#) were released on parole or bond following this ruling. However, advocacy groups continue to report instances of lengthy periods of detention at the Batavia facility.

In February 2018, the New York chapter of the ACLU and the International Refugee Assistance Project [filed a suit](#) alleging that judges in Batavia were setting prohibitively high bond amounts and calling for the court to take an individual's ability to pay and alternatives to detention when setting bond. In February 2018, a federal judge [ruled in favor](#), ordering federal immigration judges to consider alternatives to money bond. In Fiscal Year 2018, the [median bond rate](#) for the Batavia immigration court was \$10,000.

Resources

- [American Civic Association](#)
- [Cornell Law School Clinical Programs](#)
- [Erie County Bar Association Volunteer Lawyers Project](#)
- [Immigrant Justice Corps](#)
- [Journey's End Refugee Services](#)

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