



FREEDOM FOR IMMIGRANTS

TOGETHER WE WILL END IMMIGRATION DETENTION

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Senator Paul Sarlo
496 Columbia Boulevard, 1st Floor
Wood-Ridge, New Jersey 07075

March 11, 2021

Re: Freedom for Immigrants Support for S3361

Dear Senator Paul Sarlo and Law and Public Safety Senate Committee,

Freedom for Immigrants is pleased to support bill number A5207/S3361. We believe this bill will greatly improve life for many immigrants, their families and communities in not only New Jersey but also immigrants from New York. This bill will prohibit the signing of new, renewed or expanded detention contracts between federal immigration enforcement agencies and localities in New Jersey, including contracts with private prison companies. This bill will ensure that the state of New Jersey is no longer complicit in maintaining the abusive and profit driven detention system.

Freedom for Immigrants is a national nonprofit organization, and we work exclusively in the immigration detention context. We are working to end U.S. immigration detention by visiting people in detention weekly, monitoring human rights abuses, elevating stories, building community-based alternatives to detention, something that is possible in New Jersey, and advocating for system change. Our network of 4,500 volunteers conducts weekly visits to ICE jails and prisons throughout the country, including in New Jersey. We co-sponsored similar legislation to the bill we are discussing today in California – which successfully passed in 2017. We are proud to support efforts to end immigration detention nationwide.

Immigration and Customs Enforcement (ICE) currently detains 13,764 people nationwide – and 606 individuals in jails and prisons throughout New Jersey. This is a dramatic decrease from detention levels in early 2020, when ICE held an average of approximately 40,000 people in detention a day. With detention levels at their lowest point in more than 10 years, we have a critical opportunity to drive detention numbers down even further, and this abuse-ridden system of mass incarceration all together.

Throughout the COVID-19 pandemic, Freedom for Immigrants and our partner organizations have documented widespread failure on the part of ICE and its contractors to implement even basic public health measures to prevent the spread of COVID-19, as well as severe medical neglect and abuse, including denial of treatment for severe COVID-19 symptoms, widespread use of solitary confinement as a means of medical isolation, and rampant use of transfers between detention facilities without adequate screening or testing. As of March 6th 2021, ICE reports 9,872 total cumulative cases of COVID-19 since the onset of the pandemic, and 101 cumulative cases at its facilities in New Jersey. People detained in facilities in New Jersey have suffered through multiple outbreaks of COVID-19 throughout the course of the pandemic, as lax public health protocols lead to second and third waves inside jails and prisons. ICE's actions have fueled the spread of COVID-19 in detention and within the community, resulting in at least 9 in-custody deaths since the onset of the pandemic. Research by Detention Watch Network further shows that ICE's failure to release people from custody in order to facilitate safe social distancing resulted in the addition of 248,000 cases of community transmission to the United States' total COVID-19 caseload.

In New Jersey, people in detention continue to face retaliation and abuse for organizing hunger strikes and other forms of peaceful protest to call for their release and highlight abuses and medical neglect in detention. For example, in Hudson and Essex, people were sent to solitary confinement for several days as a consequence to more than 140 people going on hunger strike in January 2021. People being held in Bergen County Jail also protested the inhumane conditions in their facility. They also resorted to putting their life at risk by hunger striking for their release. Rather than addressing the serious issues raised by the hunger strikers regarding conditions at the facility, including a rat infestation, no heat in the middle of winter, and no adherence by facility staff to COVID-19 guidelines, ICE transferred the protestors to Batavia, New York where officials threatened them with force feeding, which is recognized as a form of torture. These transfers between facilities not only serve as a form of retaliation for protest but also raise the risk of further spread of COVID-19 between detention facilities and within communities in New York and New Jersey.

Introduction of this legislation is therefore particularly timely, as ICE and its contract staff have proven that they are not equipped or trained to implement even basic public health protocols – much less hold anyone in immigration detention. Ending New Jersey's immigration detention contracts is a matter of both human rights and public health urgency. There is widespread support for ending these contracts within the community. At the Hudson County Freeholder hearing held in December of 2020, over 120 people gave testimony at the hearing to vote on extending the contract between the county and ICE.

There was unanimous support for the Freeholders to end the contract. Not one person who testified made an argument to continue the contract. Community members and advocates in New York and New Jersey continue to lead regular protests calling for releases from ICE detention in New Jersey with one happening just last weekend. Even US Senators Menendez and Booker have come out against the ICE contracts. The support for this bill is there and will grow even stronger.

Outside of New Jersey, other states are taking steps to introduce or pass similar legislation as the one we are discussing today, including Illinois, Washington, Maryland, New Mexico, New York, and Virginia. These state initiatives are mirrored by calls from advocates and policy makers to dramatically reduce overall federal funding for detention and for the Biden administration to phase out the use of detention altogether while working on systems that can work as alternatives to detention. We are sure that NJ can adopt these new models with the existing strong network and groups that already exist in the state.

We applaud your office's leadership in introducing A5207/S3361. We support this bill and thank you for taking a stand for the rights of immigrants and New Jersey as a whole. The time is right for New Jersey to end its complicity with an abuse-laden system of mass incarceration. Passing this bill will show that New Jersey that is on the right side of history – and provide an important boost to national efforts to end immigration detention entirely.

Sincerely,



Sarah Gardiner
Policy Director
Freedom for Immigrants



Tania Mattos
Policy and Northeast Monitoring Manager
Freedom For Immigrants