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I. INTRODUCTION

Hudson County Jail exemplifies the problem with ICE's overuse of county jails for immigration detention in New Jersey and nationally.

In 2009, after an extensive record of abuses and deaths of immigrants in its custody, Immigration and Customs Enforcement (ICE) announced ambitious reform plans and promised a “truly civil” immigration detention system. Yet, more than three years later, ICE continues to subcontract the detention of individuals to county jails and private detention centers where they suffer sexual assault, substandard medical care, lack of due process and abysmal conditions. Among those detained are lawful permanent residents, asylum seekers, crime victims, and survivors of domestic violence and human trafficking – many of them with U.S. citizen relatives and deep ties to local communities. ICE has consistently shown that it is incapable of protecting the basic human rights of immigrants under its care.

Hudson County Jail (HCJ) is one of several county jails used in the New York/New Jersey area to house people detained by ICE. Hudson County Jail exemplifies the problem with ICE's overuse of county jails for immigration detention in New Jersey and nationally. Consistent with most facilities in New Jersey, HCJ lacks adequate outdoor space, nutritional food and access to family and legal representation. And although the town of Kearny,

where HCJ is located, is only 8-10 miles from Manhattan in New York City, the location of the facility within the town creates transportation issues for attorneys and visitors. One 20-year-old immigrant who was interviewed stated, “I came here from Rikers Island [a New York City Jail with a notorious reputation for poor conditions] and it was ten times better than this place.”

Research for this report was conducted by members and staff of the American Immigration Lawyers Association (AILA). AILA is an association of over 11,000 attorneys and law professors who practice and teach immigration law. The delegation was given a tour of the facility by the Hudson County Corrections Department on August 17, 2012. Following the tour, the delegation had the opportunity to interview approximately ten individuals currently housed at HCJ. An ICE agent was present to answer questions that arose. The delegation also spoke to an immigrant released from HCJ within the last year, to attorneys representing clients at HCJ, and to staff at Community Based Organizations (CBOs) who visit HCJ on a regular basis.

HCJ divides living areas into 64 bed dormitories, one of which is for females. There are a total of 2100 beds. On the day of the delega-



tion's visit 400-420 individuals were in ICE custody, with the rest in criminal custody by the county. In 2010, the official daily cost per person detained at HCJ was \$111. Correction officers and medical staff are Hudson County employees.

HCJ houses inmates serving criminal sentences as well as immigrants in ICE custody. The immigrant population at HCJ increased significantly after the closure of the Varick Street Detention Facility in New York City in 2010. The majority of the immigrants in detention are sent to HCJ after being apprehended in or completing a criminal sentence at a facility within the five boroughs of New York City, Long Island and some upstate New York counties. When this delegation visited the facility, 64 male immigrants were from New Jersey and the remainder from New York. Female

immigrants were evenly divided between residence in New Jersey and New York.

HCJ is located in Kearny's industrial area and is frequented by trains transporting freight to and from the River Terminal, a huge industrial park covering 300 acres less than a mile from the facility. The industrial nature of the area poses health concerns as well as access and safety concerns for attorneys, family and friends using public transportation to visit people in detention.

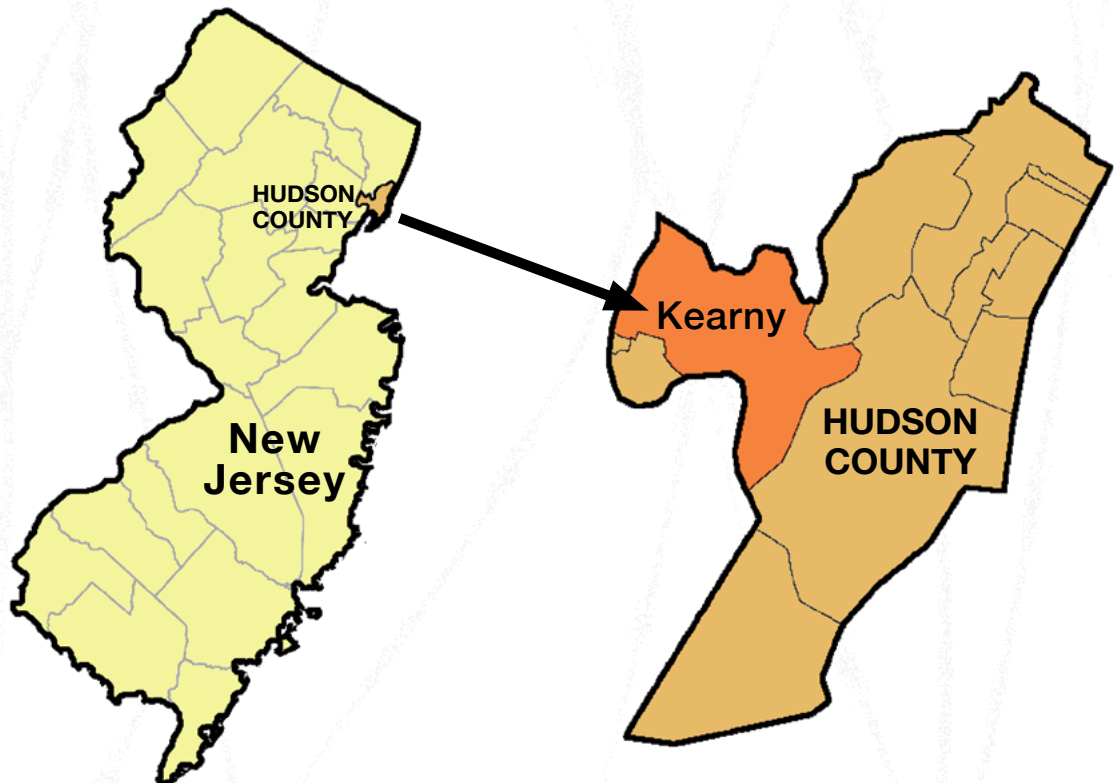
Community Based Organizations have commended HCJ management on their willingness to meet with advocates and address concerns raised by detained immigrants. Nonetheless, CBOs also noted that there were many problematic areas that need to be addressed.

II. FACILITY OVERVIEW

► **Location:** 30-35 Hackensack Avenue, Kearny, New Jersey 07032

► **Population:** 2100 total, 400-450 in ICE custody

► **Date opened:** Facility opened in 1990, ICE began housing detainees in or around 1995



- ▶ **Cost per bed:** \$111 per day
- ▶ **Standards:** In compliance with the 2011 Performance Based National Detention Standards
- ▶ **Legal Orientation Program:** Yes
- ▶ **Nearest ICE Field Offices:**
New York Field Office: 26 Federal Plaza, 9th Floor, Suite 9-110, New York, NY 10278
Newark Field Office: 614 Frelinghuysen Ave., 3rd Floor, Newark, NJ 07112

III. CONCERNS

LACK OF APPETIZING OR NUTRITIONAL FOOD

The biggest complaint by those interviewed was the poor quality of food served, stating that it was often unappetizing and that there was very little variety. Multiple people noted that the only way to have enough to eat is to buy extra food in the commissary and cook it on their own, which is expensive and can be difficult (see below). Most immigrants who had been transferred directly from criminal to ICE custody noted that the prior facilities where they had been held (Riker's Island, Nassau County, etc.) had better food. Facility staff has told CBOs that all people held at the facility receive the same food, regardless of whether they are in ICE or County custody, and that the quality of jail food cannot be improved.

People who must observe special diets for religious reasons had additional complaints. ICE standards state that everyone "shall receive a religious or special diet free of any personal cost."¹ However, one person interviewed, who is Rastafarian and requires a vegan diet, reported having been able to eat nothing but rice and beans or peas since being detained for over a year and a half. As a result of the poor diet, he was losing hair and nails and had to be given a multi-vitamin by medical services. When he was unable to take the vitamin due to an allergic reaction to one of the ingredients, he was told that no other vitamin could be provided. Another immigrant said that when he fasts, he has difficulty saving his food so that he may eat it in the evening and that guards often threw his food away in the dormitory if there were infractions by others in the dorm.

Many complained that, due to the poor nature of food prepared and served at the facility, they were forced to buy ramen soups and instant rice from the commissary and are charged \$2 for two portions of rice and \$1 for ramen noodles. Food (as well as other items from the commissary, including phone cards) was also subject to a 10% surcharge. Because there are no microwaves in the dorms, people reported that in order to eat the food they must place the rice or noodles in trash bags, which are then filled with hot tap water and left to soak. Many also noted that the hot water is often shut off, either at the sinks, or both the sinks and shower. One person related that he had been told by a corrections officer that hot water was shut off because they used too much of it to cook food.

RECREATIONAL AND OUTDOOR SPACE

The second biggest complaint was regarding outdoor space. ICE standards provides for access to outdoor recreation, including exercise opportunities and equipment², and, "if a facility does not have an outdoor area, a large recreation room with exercise equipment and access to sunlight shall be provided."³ A tour of the facility revealed that the "outdoor area" at HCJ consisted of an enclosed balcony, with cinder block walls on two sides, glass doors to the dorm on a third side, and a cinder block wall approximately 4 feet tall with chain link fencing the rest of the way to the ceiling. Each dorm has this type of adjacent "outdoor area" which is the total outdoor space allowed to immigrants held at the facility. Some people complained of odors coming from trains carrying garbage that run below the balconies. Moreover, according to those interviewed, the only gym equipment provided

Many reported being insulted, called “animals”, being cursed and laughed at, and having their clothes and other possessions thrown on the floor by corrections officers.

was a single pull up bar. Some reported seeing an enclosed courtyard in the facility, but not being given access. The yard is visible to attorneys and visitors from the parking lot.

VISITATION AND DISTANCE FROM FAMILY

Although not geographically far from New York City, HCJ is poorly served by public transportation. In most instances, a car is required to travel there, though many people living in and around New York City do not own one. Some people reported receiving less than one visit per month, for example, because the facility is too difficult to access for family members. One immigrant, whose family and friends live on Long Island, New York, stated that it would take his family an entire day of traveling and missed work, for one half-hour visit. Visitation is limited to 30 minutes. Contact visitation is limited to one afternoon a week (Saturday), in an overcrowded room where it is difficult to hear.

In addition to the issues with limited visitation, several people complained that after contact visits, they are routinely strip searched. It should be noted that, although ICE standards require reasonable suspicion to permit a strip search at all other times, the standards do allow for strip searches after contact visits “if detainees have the right to choose non-contact visitation instead.”⁴ Many reported foregoing contact visits with family members because they did not want to be subject to a strip search.

TREATMENT BY CORRECTIONS OFFICERS

Many people complained about treatment by corrections officers. Although they are in ICE custody, most people reported having minimal contact with ICE. Many reported being insulted, called “animals”, being cursed and laughed at, and having their clothes and other possessions thrown on the floor by corrections officers. Those interviewed also noted that they were often given incorrect information regarding immigration laws and the status of their cases by staff who do not understand immigration law. They said that corrections officers often asked them why they did not



Scene from the 2008 film "The Visitor."

simply “go home” and indicated that they would most likely be deported. Many immigrants also noted that corrections officers appeared to bring their personal problems to work taking their frustration and anger out on them.

CLOTHING AND CLEANLINESS

While ICE standards require that those in its custody be provided with clean clothing and linens⁵ many complained about not having enough undergarments to last through the week. Additionally, those interviewed noted that when they attempted to wash undergarments in the sink and hang them to dry on furniture, corrections officers would rip the clean clothes off the furniture and throw them on the floor. In addition to the lack of clean clothing, many complained about overall cleanliness of the facility. Several people complained that bathrooms and other areas in the dorm were only washed with water and that they had regularly requested adequate cleaning supplies for the living areas.

PHONE ACCESS

Immigrants detained at HCJ reported having trouble maintaining phone contact with family and legal representatives due to the high cost of calls. Several public telephones are installed in each dorm, but in order to use them people need to purchase a calling card from the commissary to place calls. Calling cards cost \$25 plus 10% surcharge, and each call costs \$0.25 per minute. Many also noted that they must pay for calls to legal representation with their calling cards.

A new emailing system was installed the week before the visit. People in detention



Although HCJ management and ICE indicated that the average stay at HCJ is sixty days, most people interviewed had been detained there three months or longer, with many reporting having been detained at the facility for over a year.

JORDANA'S STORY

Jordana was brought to the U.S. when she was twelve years old. At the age of 23 she was arrested by ICE officials after they came to her home looking for her brother. Jordana had no criminal history and no deportation order. ICE alleged that she had entered the U.S. on the visa waiver program and was thus not entitled to a removal hearing before an immigration judge. When ICE initially tried to remove Jordana, she refused to board the plane and requested a hearing before a judge. As a result, ICE placed her in segregation at the Elizabeth Detention Center for three weeks, and then transferred her for four months to Hudson County. She was told that she was moved to HCJ as punishment for her refusal to board the plane. Despite being eligible for the DREAM Act and meeting the requirements for Prosecutorial Discretion under the recent memo from ICE Assistant Secretary John Morton, ICE refused all initial requests to have Jordana released. Jordana was ultimately moved to Delaney Hall and released after interventions by U.S. Senators Menendez, Gillibrand, and Durbin. She spent nine months total in ICE detention. A month after her release, ICE admitted in Court filings that it erred in stating that she had entered on the visa waiver program and that Jordana had been entitled to a hearing before an immigration judge all along.

are required to pay for any messages sent and to submit a list of intended recipients for approval before being able to use the system.

ISSUES WITH MEDICAL SERVICES

Community Based Organizations have noted frequent issues with medical care. For example, CBOs had to intervene on behalf of an HIV positive woman who was not receiving any medication. After raising the issue with the HCJ Director, she was able to receive her medication. Others who were injured, either prior to being detained or while in detention, complained of pain, but were only given pain management medication after several complaints were filed by CBOs. One woman, diagnosed with bi-polar disorder, was given neither her medication nor therapy while detained. While all of these examples were ultimately resolved, CBOs noted that it took several complaints and calls to HCJ manage-

ment to obtain proper care for those detained. Moreover, those with injuries were given pain medication, but not the physical therapy required to properly heal.

LENGTH OF DETENTION

Although HCJ management and ICE indicated that the average stay at HCJ is sixty days, most people interviewed had been detained there three months or longer, with many



reporting having been detained at the facility for over a year. A few reported they had been held since 2010.

ALIENATION OF NON-ENGLISH SPEAKERS

Many interviewed remarked that efforts to accommodate non-English speakers or provide informational materials in multiple lan-

guages—especially languages or dialects that were uncommon among the overall immigrant population—were lacking, causing additional hardship to many non-English speaking immigrants. Based on information given by those interviewed, it also appeared that those who spoke the same (uncommon) language were nonetheless housed in separate units, often leading to the isolation and alienation of those who don't speak English.

IV. RECOMMENDATIONS



ICE should terminate its contract with Hudson County and cease housing immigrants

at the facility. The facility has had consistent problems with food, medical care, outdoor recreation, treatment by corrections officers and access to lawyers and visitation. No one should be held under these circumstances and closing Hudson County Jail would be a first step towards ending the overuse of county jails as immigration detention.

While taking steps towards contract termination, ICE must immediately:

- ▶ Adopt more varied and nutritious menus;
- ▶ Install one or more microwaves per dorm so that individuals can properly cook food purchased from the commissary;
- ▶ Allow access to an outdoor courtyard, which appears to already exist, and provide gym equipment;
- ▶ Provide better training for corrections officers on how to interact with an immigrant population;
- ▶ Expand visitation times so that immigrants can comfortably visit with their loved ones and have sufficient time to justify the travel time;
- ▶ Provide more clean clothes, so that people held at the facility can wear a clean change of underwear and socks every day;
- ▶ Increase presence of ICE officers in the detention facility so that immigrants may have access to accurate information regarding their cases, and so that ICE can be made aware of issues in a more immediate fashion;
- ▶ Allow free, or low-cost, telephone calls to legal representatives regardless of whether they are private bar attorneys or from public interest legal providers;
- ▶ Charge reasonable rates for phone calls and not adding a surcharge to food so that both can be more affordable;
- ▶ Take special care to house together people who speak the same language to reduce the alienation of those who do not speak English.

This report is part of a series about conditions at ten prisons and jails where immigrants are detained by ICE. To read the other reports and the Executive Summary of overall concerns and recommendations, please go to detentionwatchnetwork.org/exposeandclose

Except where a publication is cited, the information reported here is based solely on claims made by detained individuals without independent corroboration.

ENDNOTES

- ¹ ICE Detention Standards 4.1(II)(12).
- ² ICE Detention Standards 5.4(II)(2).
- ³ ICE Detention Standards 5.4(V)(A)(2).
- ⁴ ICE Detention Standards 5.7(V)(I)(4).
- ⁵ ICE Detention Standards 4.5(II)(H)(1).

