

HUDSON COUNTY CORRECTIONAL FACILITY IMMIGRANT DETENTION INSPECTION SERIES



Photo: Rosa Santana

FACILITY PROFILE

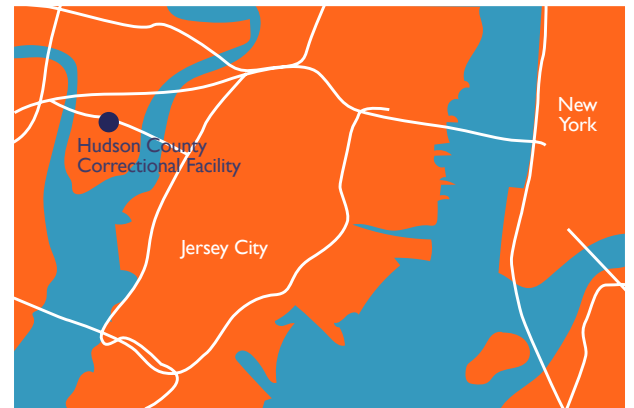
Location: Kearny, New Jersey

Contract Type: U.S. Marshals Service Intergovernmental Service Agreement (USMS IGA)

Population: Approximately 500 men and women in ICE custody

Standards: Performance Based National Detention Standards (PBNDS) 2008

Contractors: CFG Health Systems (medical); GTL (phones); Keefe Group (commissary); Aramark (food)



METHODOLOGY

Date of inspection: March 22, 2016

Number of inspectors: 7

Number of detained people interviewed: 22

ABOUT DETENTION INSPECTIONS

The United States has the largest immigration detention infrastructure in the world, with the ability to detain approximately 34,000 people at any given time. Despite

being rife with inhumane conditions and abuses, detention facilities elude accountability through ineffective official inspections that lack independence, fail to check for policy implementation, and often exclude interviews with detained people. In response to inadequate official inspections, Detention Watch Network (DWN) is conducting NGO-led inspections alongside stakeholder organizations to uncover the reality of immigration detention facilities.



DETENTION
WATCH NETWORK.ORG

OVERVIEW

Hudson County Correctional Facility (Hudson) is a county jail that houses people in both the immigration system and the criminal system; Hudson has been in operation since 1990 but entered an intergovernmental service agreement (IGSA) with Immigration and Customs Enforcement (ICE) to begin housing immigrants in 1996. The NGO-led inspection of Hudson revealed serious problems with medical care, an unaccountable complaints process, and overall poor quality of life for detained people. These findings should prompt ICE to implement more stringent third-party inspections, make all inspections available to the public in a timely manner, and enact consequences for violations, such as termination of contracts.



MEDICAL CARE

Hudson contracts with CFG Health Systems to provide health services such as physical exams, x-rays, and basic dental care. Though this contract is up for renewal, the Hudson County Board of Chosen Freeholders postponed voting on the contract renewal in response to a [complaint filed](#) by Community Initiatives for Visiting Immigrants in Confinement (CIVIC) and First Friends of New Jersey and New York regarding poor medical care at Hudson. In addition to the renewal, facility staff indicated that a \$5.6 million county medical expansion is underway.

Facility staff said at different points during the inspection that people are always seen within 24 hours of submitting a medical request (“sick call”), but conceded that sometimes less urgent requests are pushed to the next day. Moreover, facility staff stated that Hudson does not have the capacity to hold individuals with serious mental health issues and asks ICE to transfer them elsewhere. According to facility staff, requests for offsite care usually receive a response within 24 hours. However, scheduling offsite care depends on the availability of the clinics providing the care, and facility staff indicated that if an offsite procedure cannot be scheduled within

the timeframe ordered by a doctor, they do not pursue alternatives.

Interviews with people detained under ICE custody at Hudson revealed delays in medical care, inconsistencies with medical records and subsequent treatment, and inappropriate responses to health needs:

- One person with a family history of breast cancer reported a delay in receiving medical care: she had gone to the medical unit for breast pain and was told that she would see a gynecologist the same day, but at the time of the inspection, it had been two weeks and she had yet to be seen for a follow-up appointment.

It had been two weeks and she had yet to be seen for a follow-up appointment.

- Two people reported problems with their medical records when they were transferred out of and then back to Hudson. One of them reported that when he returned to Hudson, the facility no longer provided the medication he was on prior to his release, and the current doctor will not administer the tests recommended by the previous doctor.
- Several people reported seemingly inappropriate responses from medical staff. Two people reported being told only to drink water for serious pain. One person reported that she went to the medical unit for an ear infection and was given eye drops instead. Another person reported that her glasses were confiscated upon arrival at Hudson because they had metal frames (which Hudson considers a security issue), but that she wasn’t provided with a replacement pair.

Reinforcing the medical failings uncovered during this inspection, in May 2016, CIVIC and First Friends submitted a complaint related to poor medical care on behalf of 61 people detained at Hudson. The complaint cited 12

concerns with medical care at Hudson, including extended delays in responding to people's requests for medical care, delayed or denied care for serious conditions, unlawful medical charges for people in ICE custody, and poor sanitation leading to multiple people getting toenail fungus or bacterial infections.



LEGAL ACCESS

Because the vast majority of people detained at Hudson have their case assigned to the New York court, they benefit from the New York Immigrant Family Unity Project, which provides universal legal representation to immigrants facing deportation. As a result, there is a much smaller proportion of people at Hudson representing themselves in their immigration cases than usual. According to facility staff, individuals in ICE custody are allowed one hour a day in the law library, which is reportedly equipped with LexisNexis. A staff person stated that all phone calls, including calls to attorneys, consulates, and complaint hotlines, are recorded and stored, though not actively listened to without a court order.

During interviews with detained people, one person reported regular two week delays in receiving their mail. Another two people reported having trouble contacting their deportation officers, one of whom had been waiting at least eight weeks for a decision on their parole request.



SOLITARY CONFINEMENT

Though people can be placed in solitary confinement for a variety of reasons, the traumatic effects of isolation occur regardless. Solitary confinement is divided into two categories: disciplinary segregation, in which a person is segregated for punitive reasons, and administrative segregation, in which a person is segregated for non-punitive reasons, such as their own safety. At the time of the inspection, four people in ICE custody were in disciplinary segregation, three of whom were slated to be there for more than ten days, according to numbers provided by staff. At Hudson,

people can be punished with a maximum of 15 days in disciplinary segregation per charge, and charges can run concurrently, not to exceed a total of 30 days. However, a local stakeholder informed DWN that Hudson has inappropriately held a detained person in disciplinary segregation for 20 days for a very minor infraction. While in disciplinary segregation, detained people reportedly have access to one hour of "recreation" each day in what can best be described as a large cage.

Facility staff report that individuals undergo medical and psychological screening before being placed in disciplinary segregation, and that nurses check in on people three times per day. Staff reported that no one has ever been taken out of solitary confinement early because of concerns about their medical or mental health.

There were no people detained by ICE in protective custody (a subcategory of administrative segregation in which people are segregated for their own protection), but according to facility staff, if someone requests or is identified for protective custody, they will be transferred to another facility within 24 hours.



GRIEVANCES

The complaints process at Hudson is unaccountable, as facility staff have discretion in determining which complaints will ultimately receive a response, and whether there will be a record of how a particular complaint is handled. At Hudson, there are procedural differences between "grievances" and "complaints": grievances are standards violations, while complaints are comparatively minor and typically addressed through an informal process, for which there seems to be no recordkeeping. Although facility staff stated that both grievances and complaints should receive a response, they conceded that certain issues, such as a lack of hot water, would not receive a response and would instead "just be fixed."

In interviews, two people indicated that they had filed complaints and never received a response. One person reported that complaints regarding one sergeant are ignored because that sergeant is good friends with the lieutenant in charge. Another two people reported that electronic kiosks used for submitting complaints and sick calls were often broken.



QUALITY OF LIFE

Quality of life at Hudson is abysmal, with no access to real outdoor recreation, inadequate visitation times, and poor quality in food and housing. “Outdoor recreation” areas are triangular concrete rooms with relatively low ceilings; they are attached to housing units and their one external wall is covered entirely by bars. Facility staff twice claimed that people in ICE custody receive one hour for general visitation. However, two individuals indicated during interviews that they were only allowed half-hour visits.

During interviews, seven people complained about the quality and nutritional value of food served. One person said that the food was almost all carbohydrates; another said that the food was sometimes undercooked or not cooked properly; and another said that they only receive milk and fruit once a week. Of the people who raised complaints about food, two mentioned that they often had to buy food from commissary to supplement food prepared by the facility.

Other quality of life complaints related to issues in the housing units. One person expressed discomfort under the watch of only male officers at night in the women’s housing unit, stating that there are “no female officers at night and we feel exposed.” Three people said that the water in their showers was scalding, and that it had been a problem for about a month. One person said that guards did not provide toilet paper or feminine hygiene products when requested, and another said that her mattress has been ripped since her arrival at the facility (two months prior to the inspection) and that she still had not received a new mattress.

Finally, facility staff stated that they prioritize detention space for people with active court cases, and people who have received a final order of removal are often transferred elsewhere, which can disrupt attorney, family, and community ties.



TRANSPARENCY

The most recent publicly available inspection of Hudson is a 2012 Enforcement and Removal Operations (ERO) inspection, for which the facility received a rating of “Meets Standards” despite the Lead Compliance Inspector recommending a rating of “Does Not Meet Standards” due to Hudson’s failure to comply with the Sexual Abuse and Assault Prevention and Intervention, Food Service, and Environmental Health and Safety standards. Facility staff informed us that Hudson passed its most recent inspection in January 2016. Because this inspection is not publicly available, it is unclear what, if any, changes the facility may have made to correct its deficiencies between 2012 and 2016.

There were a number of obstacles in accessing information during the inspection. In addition to receiving vague or incomplete answers from facility staff, inspectors had to negotiate in order to speak with a member of the medical staff. After requesting to see the Hudson handbook for people detained by ICE, inspectors were told that a separate request and clearance would be required. Finally, inspectors were allowed only one hour to interview people in ICE custody, which was not sufficient.

Additional Information

For more information, please contact policy@detentionwatchnetwork.org.