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ACLU OF RI POSITION: SUPPORT/AMEND

TESTIMONY ON H-7968, RELATING TO DETENTION FOR FEDERAL CIVIL IMMIGRATION VIOLATIONS April 9, 2024

The ACLU of Rhode Island supports this legislation, which would prohibit the state or any municipality from entering into contracts with Immigration and Customs Enforcement (ICE) to house and detain individuals for civil immigration violations or to use other public resources to detain those individuals. This legislation would, among other things, address the very important issue raised by Wyatt's incarceration of civil immigrant detainees under a contract that the facility entered into with ICE in 2019.

When Wyatt reentered into that contract with ICE, the ACLU was extremely critical of it, and for good reason. The facility's history of cooperation with ICE was punctuated by a lawsuit the ACLU filed in 2008 and successfully settled after a civil detainee died in Wyatt's custody following months of abuse and lack of medical care. As a result of that lawsuit, ICE cancelled its contract with Wyatt to hold immigrant detainees. It was therefore very distressing in 2019 to witness Wyatt once again take on this role, especially at a time when the agreement served to assist the federal government's blatant mistreatment of people fleeing danger and seeking asylum in our country. Nor was that earlier lawsuit the last time a court raised concerns about the health of immigrant detainees at the facility.¹

Leaving Wyatt to the side, it is worth emphasizing that across the country, private prisons are notorious for their cost-cutting measures that cause immeasurable harm to the persons who are detained there. A Department of Justice report has highlighted some of the many problems associated with private prisons.² Thus, this bill accomplishes something important beyond Wyatt by establishing a critical and clear state policy against these types of arrangements with the federal government.

However, we note that this bill requires any existing contract to end by July 1, 2025. To the extent it would interfere with an existing contract with the Wyatt facility, we recognize that the bill raises constitutional concerns. We therefore support an amendment that would prevent the renewal of any existing contracts, and not the impairment of current ones. With that revision, the ACLU strongly supports this bill.

¹ In a lawsuit obtaining the release of numerous detainees from Wyatt in the early months of the Covid epidemic, a court noted: "The fact that several months into this pandemic and with widespread infection in the detention facility and surrounding community, the government has not undertaken any real effort to ascertain the underlying medical conditions of the detainees in this case arguably could rise to the level of conduct that is both deliberately indifferent *and* objectively unreasonable. *Yanes v. Martin*, 464 F.Supp.3rd 467,474 (D.R.I. 2020).

² "Review of the Federal Bureau of Prisons' Monitoring of Contract Prisons," Office of the Inspector General, US DOJ, August 2016. <https://oig.justice.gov/reports/2016/e1606.pdf>