

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON IMMIGRATION

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February 28, 2022  
Start: 10:03 a.m.  
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HELD AT: Remote Hearing - Virtual Room 3

B E F O R E: Shahana K. Hanif  
Chairperson

COUNCIL MEMBERS:  
Carmen N. De La Rosa  
Rita C. Joseph  
Shekar Krishnan  
Francisco P. Moya  
Pierina Ana Sanchez  
Sandra Ung

## A P P E A R A N C E S (CONTINUED)

Manuel Castro  
Mayor's Office of Immigrant Affairs

Tom Tortorici  
New York Assembly Member

Catalina Cruz  
New York Senator

Julia Salazar  
New York Senator

Harvey Epstein  
New York Assembly Member

Mercy Quinatocte  
Detained Immigrant

Senator Jessica Ramos

Rosa Cohen-Cruz  
Representing Detainees J.L., W.G., E.M.

Felipe Cortes

Ismael Bien-Aime Nicolas

Kiki Tapiero  
Attorney

Jessica Coffrin-St. Julien  
On behalf of Benjamin

Yasi

A P P E A R A N C E S (CONTINUED)

Troy Hugo Swarnia  
On behalf of Cristian

Helen Avery Campbell  
On behalf of Ernesto

Amy Joseph  
Attorney

Efrain Rodriguez Gonzalez

Madison Koenig  
Legal Aid Society

Kar Nowakowski  
Legal Aid Society

Sophia Gurulé  
Immigration Policy Counsel at Bronx Defenders

Razeen Zaman

Mariana Diallo

Marlon Augustin-Mendez  
Legal Aid Society

Alex Zucher

Ellen Pachnanda  
Brooklyn Defenders

Karla Ostolaza

## A P P E A R A N C E S (CONTINUED)

Sharon Kaufman [sp?]

Joaris Hernandez

Emanuel Garcia  
Bronx Defenders

Ismery Lora  
Bronx Defenders

Nicole Guerrero  
NYIFUP, Brooklyn Defender Services

Mia Soto  
NYLPI Health Justice Program

Chanelle Diaz  
Primary Care Doctor

Nina McDermott  
Catholic Charities Community Services

Anna Meixler  
NYU School of Law Immigrant Rights Clinic

Terry Lawson  
Unlocal

Carol Larancuent  
Bronx Defenders

H. Esteban Figueroa-Brusi  
The Door

## A P P E A R A N C E S (CONTINUED)

Daniel Kim  
NYU Immigrant Rights Clinic

Maya McDonnell

Tania Mattos  
Envision Freedom Fund

Uchechukwu Onwa  
Queer Detainee Empowerment Project

Rosa Santana  
Envision Freedom Fund

Nicole Catá

Yasmine Farhang  
Immigrant Defense Project

Zachary Ahmad  
New York Civil Liberties Union

Emmy Cantos  
Raids Response at Make the Road New York

Gabriela Viera  
Detention Watch Network

Matthew Escalante  
NYU Immigrant Rights Clinic

Hope Johnson  
UCLA Law COVID Behind Bars Data Project

## A P P E A R A N C E S (CONTINUED)

Daniel Atonna  
For the Many

Heena Sharma



1  
2 SERGEANT AT ARMS: Recording to the cloud  
3 all set and good morning and welcome to today's  
4 remote New York City Council hearing with the  
5 Committee on Immigration. At this time, would all  
6 Council Members and Council Staff please turn on  
7 their videos? To minimize disruption, please place  
8 electronic devices on vibrate or silent mode. If you  
9 wish to submit testimony, you may do so at  
10 testimony@council.nyc.gov. Once again, that is  
11 testimony@council.nyc.gov. Thank you for your  
12 cooperation. We are ready to begin.

13 CHAIRPERSON HANIF: Good morning everyone.  
14 I am Council Member Shahana Hanif, Chair of the  
15 Committee on Immigration. I'd like to start by  
16 thanking my colleagues for being present today for  
17 this very important hearing and recognize that we've  
18 been joined by Council Members Hudson, Krishnan,  
19 Moya, Sanchez, Stevens, Ung, and De La Rosa. Before  
20 we get started, a personal note. I had a major hip  
21 surgery last Wednesday. Many of you know me as our  
22 city's first Bangladeshi and first Muslim woman  
23 elected to the City Council, but I'm also our city's  
24 first bionic Council Member. I'll be chairing the  
25 entire time, but as for your grace and a commitment



1 to anti-capitalist politics. Feel free to brush up  
2 on the Ten Principles of Disability Justice by Sins  
3 Invalid, and in the near future, we'll be hosting a  
4 hearing related to a healthcare and disability.  
5 Today is the committee's first hearing and we are  
6 here to discuss COVID-19 in immigration detention  
7 centers. Leading up to my appointment as Chair of  
8 this committee I had been in conversations about the  
9 egregious conditions and treatment of detained  
10 immigrant New Yorkers. In March 2020, when the  
11 Coronavirus pandemic first took hold across the  
12 country and everyone was encouraged to stay home and  
13 maintain social distance, ICE had 38,000 people  
14 detained in its facilities across the country. When  
15 immigrants at Hudson County Correction Facility went  
16 on strike to obtain soap and toilet paper, a guard  
17 told them, "Well, you're going to have to die of  
18 something." On March 24, 2020, ICE confirmed the  
19 first case of COVID-19 for a person in detention. To  
20 date, there have been 40,358 confirmed COVID-19 cases  
21 in ICE detention facilities. On May 6, 2020, Carlos  
22 Arnesto Escobar Majia [sp?], a 57-year-old man from  
23 El Salvador died in ICE custody in southern  
24 California, becoming the first person to die in ICE  
25

1 custody after testing positive for COVID-19. He was  
2 unfortunately not the last. To date, ICE has  
3 confirmed 11 total detainee deaths from COVID-19.  
4 Despite pandemic safety guidelines and multiple  
5 lawsuits, ICE's response was not to release people,  
6 but to continue to arrest people and to conduct  
7 raids, including in areas that had been deemed a  
8 containment area to limit the spread of the virus. A  
9 study by Detention Watch Network also found that ICE  
10 practices contributed to the spread of COVID-19  
11 across the United States. Within detention centers,  
12 ICE failed to implement quarantine procedures for  
13 newly detained individuals, leading to outbreaks  
14 across facilities. ICE staff also withheld  
15 information from detainees about the virus. Often  
16 failed to provide soap, hand sanitizer and personal  
17 protective equipment, failed to implement testing  
18 procedures widely after state lockdowns began, and  
19 routinely used solitary confinement with limited  
20 medical care, sometimes for weeks, as a form of  
21 quarantine. It is also virtually impossible to  
22 practice social distancing in detention. People  
23 faced appalling medical neglect and unsanitary living  
24 conditions, while tightly packed in poorly ventilated  
25

1 spaces, and having limited bodily autonomy. While  
2 several public health experts have repeatedly called  
3 for people in ICE custody to be released,  
4 particularly given there is a wealth of evidence  
5 demonstrating that detention is unnecessary and  
6 inhumane, the Biden Administration has continued the  
7 use of detention during the continuing public health  
8 crisis. Specifically, after reaching a historic low  
9 in early 2021, the total number of people in ICE  
10 custody nearly doubled, rising from 14,000 to 27,000  
11 people detained in just a few months. In fact,  
12 between June and July 2021, the number of individuals  
13 held in immigration detention grew more than 200 per  
14 day. And as if things could not get worse, the  
15 Omicron variant is now tearing through ICE detention  
16 centers. Since the start of 2022, COVID-19 in ICE  
17 detention centers have surged by at least 625  
18 percent. We also don't know if this is an accurate  
19 representation of the case rate, as one person  
20 detained in the Orange County jail was told that ICE  
21 didn't want to test people because they don't want  
22 their numbers to go up. This is disgusting and  
23 unacceptable. Several immigration detention centers  
24 in New York have also had complaints filed against  
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1  
2 them with allegations of medical neglect, verbal  
3 abuses, retaliation, and disability discrimination.  
4 On February 16, 2022, approximately 42 detainees at  
5 the Orange County correctional facility started a  
6 hunger strike in protest of the alleged poor  
7 conditions and mistreatment by guards. Today, we hope  
8 to hear their stories and amplify their voices. ICE  
9 practices during the rise of the global COVID-19  
10 pandemic are just the most recent example of the  
11 cruelty and violence of the immigration system.  
12 ICE's horrific detention practices before and during  
13 the pandemic included family separation, sexual abuse  
14 of children, unnecessary hysterectomies, use of  
15 force, arbitrary and punitive use of solitary  
16 confinement, and medical neglect which occasionally  
17 result in death. Tens of thousands of people are  
18 exposed to this unnecessary cruelty every single day.  
19 Immigration detention is unnecessary, and part of a  
20 strategy of deterrence that aims to discourage  
21 migration and stomp on people's will to fight  
22 deportation. We must end detention as a racist tool  
23 of exclusion. We will also be hearing a pre-  
24 considered resolution today which I am proud to  
25 sponsor alongside Public Advocate Jumaane Williams

1 that calls on the New York State Legislature to pass  
2 and the Governor to sign the New York Dignity Not  
3 Detention Act, prohibiting governmental entities from  
4 entering into agreements to house individuals in  
5 immigration detention facilities. This bill would  
6 help keep New York families and communities together,  
7 protect immigrants from neglect, abuse, and torture  
8 inside detention facilities and maintain New York's  
9 commitment to immigrants' rights and racial justice  
10 by ending incarceration for profit. I want to thank  
11 the Mayor's Office of Immigrant Affairs for being  
12 here today. I also want to thank the state elected  
13 advocates and directly impacted people for joining  
14 our hearing today, and for your tireless work in  
15 fighting for justice on behalf of all New Yorkers.  
16 Additionally, I want to thank Public Advocate Jumaane  
17 Williams for his partnership on this resolution. I  
18 also want to thank the committee staff for their work  
19 on this issue, including Committee Counsel Harbani  
20 Ahuja and everyone working in the background to make  
21 sure this hearing runs smoothly, Florentine, Noah,  
22 Agatha, Ross [sic], and the Sergeants. And of  
23 course, my brilliant team, Alex, Ruth, Nora, Michael,  
24 and Hannah [sp?]. I wish I could also thank the  
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1  
2 Orange County Jail for being here. They were invited  
3 to testify, but will not be showing up. With that, I  
4 will turn it to Committee Counsel to go over some  
5 procedural items.

6 COMMITTEE COUNSEL: Thank you, Chair. My  
7 name Harbani Ahuja and I'm Counsel to the Committee  
8 on Immigration for the New York City Council. Before  
9 we begin, I want to remind everyone that you will be  
10 on mute until you are called on to testify when  
11 you'll be unmuted by the host. I will be calling on  
12 panelists to testify, so please listen for your name  
13 to be called, and I will be periodically announcing  
14 who the next panelist will be. For everyone  
15 testifying today, please note that there may be a few  
16 seconds of delay before you are unmuted, and we thank  
17 you in advance for your patience. All hearing  
18 participants should submit written testimony to  
19 [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov). At today's hearing the  
20 first panelist to give testimony will be  
21 representatives from the Administration followed by  
22 Council Member questions and then members of the  
23 public will testify. Council Members who have  
24 questions for a particular panelist should use the  
25 raise hand function in Zoom, and I will call on you

1 after that panelist has completed their testimony. I  
2 will now call on members of the Administration to  
3 testify. Testimony will be provided by Commissioner  
4 Manuel Castro from the Mayor's Office of Immigrant  
5 Affairs. Additionally, the following representative  
6 will be available for answering questions, Tom  
7 Tortorici, Director of Legal Initiative at the  
8 Mayor's Office of Immigrant Affairs. Before we  
9 begin, I will be administering the oath.  
10 Commissioner Castro and Director Tortorici, I will  
11 call on you each individually for a response. Please  
12 raise your right hand. Do you affirm to tell the  
13 truth, the whole truth and nothing but the truth in  
14 your testimony before this committee and to respond  
15 honestly to Council Member questions? Commissioner  
16 Castro?

18 COMMISSIONER CASTRO: Yes.

19 COMMITTEE COUNSEL: Thank you. Director  
20 Tortorici?

21 DIRECTOR TORTORICI: Yes.

22 COMMITTEE COUNSEL: Thank you.

23 Commissioner, you may begin your testimony when  
24 you're ready.

25

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2                   COMMISSIONER CASTRO: Thank you, and  
3 thank you Chair Hanif and the members of the  
4 Committee on Immigration for calling on this hearing.  
5 And thanks to all the advocates and the directly  
6 impacted individuals on this call, to the council  
7 staff and my staff who are also present here today.  
8 My name is Manuel Castro, and I am the Commissioner  
9 of the Mayor's Office of Immigrant Affairs. And as  
10 was already said, I am joined by my Director of Legal  
11 Initiatives Tom Tortorici [sp?] who will be on hand  
12 to support with any questions you might have. As  
13 many of you know, I see very familiar faces here. I  
14 was previously the Director of New Immigrant  
15 Community Empowerment where this issue was very dear  
16 to us. We worked with many directly impacted  
17 individuals, and I had a chance to work with many who  
18 were detained at ICE facilities, and so I know  
19 firsthand how important this issue is to take on.  
20 Now in government, I am, you know, thrilled to work  
21 closely with you to making sure that we ensure that  
22 there's a spotlight on this issue. I'd like to begin  
23 by stating very clearly that Immigration Customs and  
24 Enforcement, that is ICE, has shown a disregard for  
25 the dignity and humanity of immigrants from its



1  
2 inception. This cruelty was magnified during the  
3 previous presidential administration, but it  
4 continues today, including in immigration detention.  
5 So as just one example, and as will be explored in  
6 today's hearing, immigrant New Yorkers who are  
7 detained by ICE are often housed at Orange County  
8 Correctional Facility where legal service providers  
9 and advocates have highlighted allegations of abuse  
10 and racism, and where there have been recent reports  
11 of an outbreak of COVID-19. I too share the concerns  
12 of advocates and the Council, and I call on ICE to  
13 immediately address the inhumane and unjust  
14 conditions at OCCF. MOIA and the City have worked  
15 for many years to advocate for changes to the  
16 immigration system and implement laws and policies at  
17 the local level to build trust with our immigration  
18 communities. In my testimony I will briefly cover  
19 our longstanding advocacy against abusive and  
20 inhumane practices of detention by ICE, our  
21 protective laws and policies and investments we have  
22 made in immigration legal services including for  
23 those at risk of immigration detention. I'll start  
24 with the City's advocacy for detained immigrants. It  
25 is MOIA's duty to advance the wellbeing of immigrant

1 New Yorkers. As part of that, MOIA has consistently  
2 advocated at every level of government for our  
3 immigrant communities and will continue to do so  
4 under my leadership. This includes advocating for  
5 detained New Yorkers. In spring 2020 to the  
6 beginning of the COVID-19 pandemic, MOIA along other  
7 agencies, DOHMH and H+H sent a letter to DHS, ICE,  
8 and USCIS [sic] calling for immediate actions to  
9 mitigate the spread of COVID-19 and protect public  
10 health including by releasing medically vulnerable  
11 individuals from ICE detention. Later in 2020, MOI,  
12 DOHMH, and H+H sent another letter calling on ICE to  
13 release all families from detention centers in order  
14 to keep families together. We have also stated in  
15 our public comments such as in our opposition to  
16 security bars that ICE should use as question in  
17 deciding whether to detain people in order to prevent  
18 the spread of COVID-19. Moreover, through our City's  
19 for Action Coalition of which New York is certainly  
20 one of the strongest leaders, we have worked  
21 alongside other welcoming cities across the country  
22 to advocate for immigrant justice, including by  
23 calling for an end to the secure communities program,  
24 and by halting deportation from Haiti. I'll now  
25

1 speak about the City's laws and policies. New York  
2 City is home to over three million immigrants, almost  
3 40 percent of our residents are foreign-born, and  
4 about 60 percent are immigrants of children. Given  
5 the reality-- of children of immigrants. Given the  
6 reality, the City cannot function without trust  
7 between immigrant communities in City government.  
8 Again, the City cannot function without trust between  
9 immigrant communities and city government. The City  
10 has worked to build distrust by making fear in law  
11 and policy, but the City does not conduct immigration  
12 enforcement. First, City laws restrict when New York  
13 Police Department, the Department of Corrections, or  
14 the Department of Probation will respond to or comply  
15 with a detainer request from ICE. These laws  
16 recognize that it is generally inappropriate for our  
17 law enforcement agencies to engage with ICE, and that  
18 immigration enforcement is generally a civil and not  
19 a criminal matter. Second, the City's laws generally  
20 prohibit the use of City resources for immigration  
21 enforcement and restrict non law-- local law  
22 enforcement from accessing non-public areas of city  
23 property. These laws reflect our commitment to  
24 ensuring that immigrant New Yorkers feel safe when  
25

1  
2 they engage with city agencies, programs, and  
3 benefits regardless of immigration status. And  
4 third, city law regulates the collection, retention  
5 and disclosure of identifying information. Agencies  
6 do not generally collect information about  
7 immigration status, because it is irrelevant to the  
8 provision of many City services or benefits.  
9 However, where that information is collected either  
10 because it is required by state or federal law, or  
11 because it is directly relevant to the provision of  
12 services. That information is protected by the  
13 City's privacy laws. In addition to these laws, the  
14 City has invested heavily in programming that  
15 recognizes that New York City is stronger when all  
16 residents, regardless of immigration status, are able  
17 to access services that they need. And finally, I'll  
18 speak about city immigration services. While the  
19 City does not fund the New York Immigration Family  
20 Unity Project, NYIFUP, it does manage NYIFUP provider  
21 contracts through the Human Resources  
22 Administration's Office of Civil Justice, also known  
23 as OCJ. This Administration in partnership with HRA  
24 and HRA's OCJ funds immigration legal service  
25 programs carried out by more than 30 community-based

1 organizations and nonprofit legal service providers  
2 citywide who provide immigration legal consultations,  
3 advice, and representation to thousands of immigrant  
4 New Yorkers each year in their community and in their  
5 preferred language. The Administration also  
6 prioritizes services for New Yorkers, especially at  
7 risk of detention and deportation. One such  
8 initiative is the Rapid Response Legal Collaborative  
9 known as RRLC. RRLC was launched in September 2019  
10 with an initial one million dollar investment as a  
11 partnership between New York State's Office of New  
12 Americans and the New York City Office of Immigrant  
13 Affairs. RRLC work-- its work is conducted by three  
14 immigration legal service providers: Make the Road  
15 New York, Unlocal, and the New York Legal Assistance  
16 Group, NYLAG. These groups provide legal assistance  
17 to those detained or at imminent risk of detention  
18 and deportation who may not have the right to see an  
19 immigration judge or are otherwise facing a fast-  
20 track to removal. The work of RRLC is intensive,  
21 fast-moving and requires deep and nimble expertise.  
22 RRLC teams support New Yorkers at greatest risk of  
23 being separated from their families and return to  
24 sometimes unsafe conditions abroad. RRLC fills a  
25

1 critical gap in citywide immigration legal services  
2 and many of its clients have nowhere else to turn.

3 So in conclusion, ICE has a duty to care for those in  
4 their custody, a duty that they have consistently  
5 failed to uphold. The recent outbreak of COVID-19 in  
6 OCCF and in other ICE detention centers reflect a  
7 callous indifference to the health of immigrant New  
8 Yorkers and other immigrants in these facilities.

9 The attention of these individuals is often a choice.

10 In many cases, ICE has a discretion to release  
11 immigrants. I urge ICE to use that discretion and  
12 release the detainees currently held at OCCF. I want  
13 to end this testimony by thanking the many immigrant  
14 legal providers who are on the ground doing the work,  
15 including those providers contracted by the City.

16 Our providers have been crucial partners in the fight  
17 for immigrant communities, not just in their day-to-  
18 day work, but also in their work to raise emerging  
19 issues and gaps as they are doing and will do today  
20 and in the future. So lastly, I look forward to  
21 addressing any questions you may have. I will stay  
22 for the remaining of this hearing and look forward to  
23 hearing the concerns of Council Members and of  
24 advocates, and directly impacted individuals and  
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1  
2 families here today. Thank you again for holding  
3 this hearing.

4 COMMITTEE COUNSEL: Thank you so much,  
5 Commissioner for your testimony. I'm now going to  
6 turn it over to questions from Chair Hanif.  
7 Panelists from the Administration, please stay  
8 unmuted if possible during this question and answer  
9 period. Thank you. Chair, please begin.

10 CHAIRPERSON HANIF: Thank you. I want to  
11 recognize that we've also been joined by Council  
12 Member Joseph. Thanks for being here. Thank you,  
13 Commissioner Castro. I'd like to start off by asking  
14 what work has MOIA done with the Department of  
15 Correction and the Police Department to crack down on  
16 unsanctioned collaboration with ICE and New York  
17 City's role in funneling residents into ICE custody?

18 COMMISSIONER CASTRO: That's a really  
19 important question. As you know, there are laws in  
20 place that prohibit city agencies including NYPD and  
21 others from collaborating with ICE. That's something  
22 that we take very seriously and that MOIA is  
23 consistently working to advocate and educate our  
24 agencies about. We understand that there's still work  
25 to be done, but that is something that, you know, we

1  
2 take very seriously from our office. I will hand it  
3 over to Tom to speak about specifics, but I do want  
4 to make sure you now and the Council knows that this  
5 is an issue that I will be looking at very carefully  
6 in the coming months and years. Tom, if you would  
7 like to add something to that?

8 DIRECTOR TORTORICI: Sure. Not much to  
9 add. So generally it's the-- our partner agencies or  
10 other city agencies that implement the detainer laws.  
11 The City strongly believes that our laws should be  
12 complied with and interaction with ICE be held to  
13 very limited circumstances. MOIA does provide  
14 guidance where necessary to these agencies in  
15 conjunction with the Law Department when there are  
16 specific complex questions involving law or policy.  
17 So it depends on the situation, but we work with the  
18 Law Department, other agencies, to make sure that  
19 detainer laws are complied with.

20 CHAIRPERSON HANIF: Got it, and I know  
21 Commissioner Castro, you mentioned that there's work  
22 to do. Could you specify, like what would be an  
23 immediate next step in ensuring that we are not  
24 collaborating, cooperating with DOC and NYPD?



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2                   COMMISSIONER CASTRO: Well, for me, it's  
3 meeting with commissioners from these agencies and  
4 lowered their staff and making sure that they know  
5 this is an important and critical issue for us in the  
6 City and making sure that everyone is adhering and  
7 respecting our laws. And of course, continuing our  
8 leadership at MOIA to ensure that everyone's educated  
9 about the existing laws and protections in place. I  
10 will be meeting with the DOC Commissioner soon and  
11 we'll emphasize this as a major issue for us and will  
12 be cooperating with them and the City Council to make  
13 sure these are respected.

14                   CHAIRPERSON HANIF: Thank you. And then--

15                   DIRECTOR TORTORICI: [interposing]

16                   CHAIRPERSON HANIF: Oh, go ahead.

17                   DIRECTOR TORTORICI: I'm sorry, Chair.

18 Just to add to that a bit, as proof of the  
19 effectiveness of the law since the law was  
20 implemented, detainer law was implemented, the  
21 numbers have fallen to all-time lows, and so you  
22 know, it's-- there's proof in in the numbers of its  
23 effectiveness.

24

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1  
2 CHAIRPERSON HANIF: Got it. And if there  
3 are complaints from the community of such  
4 collaboration, who can they be reported to?

5 COMMISSIONER CASTRO: Well, certainly us,  
6 myself directly. I will be meeting with many of the  
7 organizations that are on this call and that are  
8 funded by our initiatives, but certainly this office  
9 is collecting this type of information. There's a  
10 hotline that the community can also call and we will  
11 receive these complaints and make sure we are  
12 addressing them.

13 CHAIRPERSON HANIF: Okay. I definitely  
14 want to make sure that I have a hold of the hotline  
15 number--

16 COMMISSIONER CASTRO: [interposing] Yes.

17 CHAIRPERSON HANIF: and that we're able  
18 to track. How has MOIA engaged in advocacy on issues  
19 related to COVID-19 and immigration detention  
20 centers?

21 CHAIRPERSON HANIF: Well, as I mentioned  
22 in my testimony, MOIA has said the number of letters  
23 urging ICE and these detention centers to use their  
24 discretion. We've raised our concerns about COVID  
25 and other unsafe conditions at their detention

1  
2 centers, and we will continue to do so. That is  
3 something that I'd like to continue to be an advocate  
4 for and leader in making sure we're addressing.

5 CHAIRPERSON HANIF: I know you mentioned  
6 that MOIA used Cities for Action. Could you speak a  
7 little bit more on how MOIA has used City for Action  
8 or another advocacy avenue to demand action from DHS  
9 Secretary Mayorkas to exercise discretion for  
10 purposes of custody review and release of New Yorkers  
11 who are detained in immigration detention facilities?

12 COMMISSIONER CASTRO: Yeah, Cities for  
13 Action is quite an interesting coalition of cities  
14 from across the country and New York is often a  
15 leader in raising issues and implementing policies  
16 and laws that are very cutting-edge, and other cities  
17 use us as a resource, right, for these kinds of  
18 initiatives. We often put out statements together or  
19 we lead as a city in putting out statements rejecting  
20 comments that we believe are in disagreement with our  
21 laws and policies. Most recently, Secretary Mayorkas  
22 called on cities to collaborate with ICE, and I put  
23 out a statement saying that we would not do that, and  
24 that we would continue to adhere to our policies of  
25 that issue. I believe we were the only city to do so

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2 immediately, maybe one or two others followed, and I  
3 will continue to meet with my counterparts at other  
4 city agencies, City's-- I'm sorry-- and encourage  
5 them to do the same.

6 CHAIRPERSON HANIF: Thank you. And  
7 Commissioner how long ago was that letter sent and  
8 could we receive a copy?

9 COMMISSIONER CASTRO: The statement ICE  
10 put out was not a letter, it was a statement, but we  
11 can share that with you, and we can certainly send a  
12 letter as well, but a public statement was something  
13 that we wanted to make immediately after those  
14 comments.

15 CHAIRPERSON HANIF: And as you  
16 mentioned, Cities For Action is a coalition of 150  
17 pro-immigrant cities engaging in federal policies led  
18 by New York City which was founded under the de  
19 Blasio Administration . What is this  
20 Administration's role in Cities for Action?

21 COMMISSIONER CASTRO: Well, we continue  
22 to be a leading agency in this coalition. You know,  
23 I, in my previous roles, worked extensively on  
24 advocacy for comprehensive immigration reform and,  
25 you know, other related issues. I will continue to do

1  
2 the same through this coalition. We will continue to  
3 lead on calling out, you know, ICE and immigration  
4 enforcement when we deem appropriate. But certainly,  
5 MOIA will continue to be one of the leading agencies.

6 CHAIRPERSON HANIF: Got it. Yeah, I mean,  
7 this is a key space for the City to intervene at the  
8 federal immigration policy level. Cities for Action  
9 has led sign-on letters to the federal administration  
10 since President Biden took office. Has Mayor Adams  
11 signed on? We would like to get some clarity and  
12 commitment in ensuring that MOIA is still going to be  
13 part of this effort and adequately staffed to do this  
14 federal advocacy work in partnership with other  
15 cities.

16 COMMISSIONER CASTRO: Yes, I have not  
17 received any indication that we won't continue, and  
18 would certainly continue to grow our staff to support  
19 these efforts. And you know, I known as an  
20 immigration reform advocate, and so I will continue  
21 to raise these issues and push as much as we can as  
22 an agency.

23 DIRECTOR TORTORICI: And Chair Hanif,  
24 just to build upon the Commissioner's remark. So  
25 far, since Mayor Adams was inaugurated, C for A has

1  
2 not issued a sign-on letter, but MOIA itself has put  
3 out statements including recently calling for  
4 additional language access needs for COVID-19 tests  
5 that the federal administration is sending out and  
6 other things as the Commissioner mentioned. So, MOIA  
7 continues to work with C for A partners and advocacy  
8 and program policies, and we're certainly paying  
9 attention to sufficient staffing for that as well.

10 CHAIRPERSON HANIF: Got it, thank you.  
11 Thank you for the clarification. Could you share  
12 what sufficient staffing looks like for this work?

13 COMMISSIONER CASTRO: Well, you know, I'd  
14 love to have as many staff as possible, of course, to  
15 do this work. You know, we're very passionate about  
16 this, and I certainly would like to bring on  
17 additional staff to do this work, but you know, I  
18 will be lending my own voice to this as Commissioner,  
19 and I will be very active in this space.

20 CHAIRPERSON HANIF: Just to push on this  
21 piece a little, because I know MOIA does not have a  
22 fully investment in resources to do this work. What  
23 does the team look like now to what it can look like  
24 to really ensure that we're doing this work right?

1  
2           COMMISSIONER CASTRO: Well, we just hired  
3 someone to oversee this work, someone who has worked  
4 at city government for a very long time and has  
5 directly-- direct experience in this space, and so  
6 her title is Executive Director of Policy Initiatives  
7 and Special Projects, and we'll be seeing this work--  
8 overseeing this work, alongside me, of course,  
9 because I will continue to be active.

10           CHAIRPERSON HANIF: Great. We have an  
11 upcoming budget hearing, and so if you are in need of  
12 staff, we hope to hear more about that very, very  
13 soon. So moving on. New York City has made  
14 impressive and important investments in Immigrant  
15 Legal Services over the last few years. During the  
16 Trump Administration there were several legal and  
17 policy changes which made the provision of legal  
18 services difficult. The Mayor's Office must be  
19 responsive to changes on the ground and allow for the  
20 legal service providers to shift their approach as  
21 needed to provide access to justice to all New  
22 Yorkers detained as much as possible. Do we have a  
23 commitment from your office to engage with our legal  
24 service providers, provider partners, and be flexible  
25 in their contracts to respond to changing needs?

1  
2                   COMMISSIONER CASTRO: Well, certainly,  
3 and that's why I've asked my team to stay on this  
4 call and hear their concerns as well, but I am  
5 certainly very committed to sitting down with  
6 agencies that we contract with in listening to the  
7 concerns, whether it's, you know, the issues at hand  
8 or contracting, which is always like something that--  
9 let's say, as the Executive Director of a nonprofit  
10 that contracted with city government was very  
11 passionate about, and yeah, my commitment is to  
12 actually visit our contracted agencies and get to  
13 meet with their leadership, but also staff that do  
14 the work and members where possible.

15                   CHAIRPERSON HANIF: Thank you. And do we  
16 have a commitment from MOIA to continue to fund  
17 initiatives such as the Rapid Response Legal  
18 Collaborative to ensure we are doing what we can to  
19 protect New Yorkers from unjust detention and  
20 deportation?

21                   COMMISSIONER CASTRO: So, you know, like  
22 I said, it's-- this is an area that I'm very  
23 committed to and I think it's really important for us  
24 to lead on, and so as engage in conversation with OMB  
25 and with the City Council, I'd want to, you know,



1  
2 continue to fund this work, and you know, I certainly  
3 welcome additional funding possibly.

4 CHAIRPERSON HANIF: And then do we have a  
5 commitment from MOIA to end the criminal carve out  
6 for NYIFUP and ensure that all New Yorkers facing  
7 deportation have access to a legal counsel.

8 COMMISSIONER CASTRO: So, coming in that  
9 is something that, you know, I was very interested in  
10 learning more about and starting conversations with  
11 the City and with the City Council. So yeah, I look  
12 forward to having those discussions with the team to  
13 see what we can do.

14 CHAIRPERSON HANIF: I'd now like to turn  
15 to Council Member questions.

16 COMMITTEE COUNSEL: Thank you, Chair. As  
17 a reminder for Council Members, if you have questions  
18 please use the Zoom raise hand function. In order  
19 I'm going to be calling on Council Member De La Rosa  
20 followed by Council Member Krishnan, followed by  
21 Council Member Joseph. Council Member De La Rosa, you  
22 may begin when you are ready.

23 COUNCIL MEMBER DE LA ROSA: Thank you so  
24 much, and I want to thank Chair Hanif for her  
25 leadership on this timely hearing and Commissioner

1  
2 Castro for coming in to testify. So as a member of  
3 the state legislature I actually visited Orange  
4 County Jail a few times as a member of the  
5 Corrections Committee, and one of the things that was  
6 most sobering was that folks who were detained there  
7 saw that they had no other option-- well, they  
8 thought they had no other option than to sign over  
9 deportation documents because they had very little  
10 access to legal services. Can you walk us through,  
11 Commissioner, what is MOIA's role when a person is--  
12 from New York City is detained in a facility such as  
13 Orange or any other, and what services and outreach  
14 that person receives from MOIA or any other service  
15 provider??

16 COMMISSIONER CASTRO: Yes, so as I said  
17 in my testimony, we invest, you know, pretty heavily  
18 on legal service provision, ten million dollars in  
19 total, and one million dollars of that goes to Rapid  
20 Response Legal Service Provision, and you know, that  
21 is incredibly important work, because you know you  
22 have to look at, you know, cases that are long-term,  
23 but also cases where deportation is imminent so that  
24 continues to be, you know, a key component of what  
25 MOIA does. But you know, even before we get to that

1  
2 point, we have a large initiative amongst our staff  
3 to-- or commitments among staff to work directly with  
4 immigrant communities, not just with, you know, the  
5 larger CBOs and legal Service providers, but with the  
6 smaller community-based organizations. Part of my  
7 interest in this role was coming from a smaller  
8 community organization, and that continues to be the  
9 case for me, making sure that we're working with, you  
10 know, undocumented New Yorkers who might be at risk  
11 of detention and deportation, and ensuring they have  
12 the support of that of any issues that might come up,  
13 that they have access to city government resources  
14 services, and you know, that is a commitment of ours  
15 at MOIA, and then after, you know, perhaps being  
16 released from detention, we make sure that MOIA is  
17 available to connect people to services that we have.  
18 Our hotline is often where folks call in asking for  
19 those resources and we could-- you know, we are  
20 working to continue to increase, you know, those  
21 resources for individuals.

22 COMMITTEE COUNSEL: Thank you,  
23 Commissioner. I just want to make sure that--

24 COUNCIL MEMBER DE LA ROSA: Thank you.  
25 Thank you for unmuting me. Just one follow-up

1 question. And that is, one of the things that we  
2 hear on the ground often is family members not being  
3 able to get in touch with their detained family  
4 members, and I know the hotline can be something  
5 where folks can call to get this information, but is  
6 there anything proactively that the agency can do  
7 when someone has a detained family member to get that  
8 information? Because sometimes that means the  
9 difference between someone actually signing off on  
10 those deportation papers and actually waiting to get  
11 the adequate legal services. Thank you.

13 COMMISSIONER CASTRO: Yes, and thank you  
14 for that question. That's actually quite critical.  
15 At Nice [sic] the organizations I led before incoming  
16 commissioner, we did a lot of that work. So, it's  
17 important for MOIA to continue to work with the  
18 smaller CBOs that are like working deeply in the  
19 community, because often those are the organizations  
20 that people go to. Because you know, it's clear to  
21 me that yes, a hotline is important, but our  
22 community, you know, it feels it's important to be  
23 able to do this in-person and with someone that they  
24 can trust. That's why our partnership with CBOs are  
25 so critical. And I think we'll continue to do that

1  
2 and strengthen perhaps with a guide to helping  
3 families in these situations, but certainly the  
4 partnerships at CBOs are really important.

5 COMMITTEE COUNSEL: Thank you,  
6 Commissioner. I'm now going to turn to Council  
7 Member Krishnan for questions. You may begin when  
8 you're ready.

9 COUNCIL MEMBER KRISHNAN: Thank you so  
10 much. Thank you, Chair Hanif for today's critical  
11 hearing on an urgent issue affecting all of us across  
12 our state and that we should all be paying attention  
13 to, and I want to thank my colleagues who are here as  
14 well and all the impacted individuals and advocates  
15 and council staff for today's important hearing.  
16 Commissioner, it's good to see you too, and thank you  
17 for your years of advocacy work around these issues  
18 apply to this position as well. I have two questions  
19 for you today. My first question is, the condition  
20 that we've been hearing about at Orange County are  
21 atrocious and we'll hear testimony about, and they  
22 reflect exactly why it is that immigration detention  
23 is cruel, inhumane, and needless. The fact of the  
24 matter is that non-citizen New Yorkers should not be  
25 subject to such horrific conditions. They should be

1  
2 at home with their families and their communities,  
3 and this is why we need to end immigration detention  
4 in New York State following the lead of a state like  
5 New Jersey as well. And to that question, my first  
6 question for you,-- to that point, sorry. My first  
7 question for you is what can and will MOIA do to work  
8 with all of us collectively to ensure that the  
9 Dignity Not Detention Act is passed at the state  
10 level?

11 COMMISSIONER CASTRO: Yes, and thank you,  
12 Council Member, for that. I believe our legislative  
13 team, the City's legislative team, is still looking  
14 at the legislation, but we generally support and of  
15 course-- I personally in the past supported the  
16 legislation, and so I think it's important to  
17 continue to advocate together on this issue, which is  
18 why in my testimony I urge ICE to take action and to  
19 release detainees. But yes, that's something that  
20 I'm looking forward to, using my own voice and  
21 platform to continue to push for.

22 COUNCIL MEMBER KRISHNAN: Thank you. I'm  
23 looking forward to work-- us all working together  
24 collectively to achieve passage of that instrumental  
25 legislation. My second question goes towards the

1 enforcement of the detainer law in New York City. As  
2 I understand it, the Department of Corrections should  
3 be receiving judicial warrant before it honors  
4 detention-- a detainer request, sorry. But as I also  
5 know from prior hearing testimony as well, DOC has  
6 not received or stated, it testified that it has not  
7 received such a judicial warrant before, which raises  
8 a very serious concern for me and many others, too,  
9 as to DOC's compliance with the detainer law, not  
10 just on paper, but in reality. And so I'd like to  
11 learn a bit more from you as to what MOIA is doing to  
12 ensure that DOC is actually receiving judicial  
13 warrants before honoring a detention-- a detainer  
14 request.  
15

16 COMMISSIONER CASTRO: Yes. I'll let Tom  
17 provide specifics, but I just wanted to say that, you  
18 know, any violation of our existing laws need to be  
19 taken extremely seriously. You know, it puts-- it  
20 puts us in a position where our communities don't  
21 trust us and don't want to be there, and so, you  
22 know, I want to say that you have my commitment to  
23 making sure that these laws are being adhered to and  
24 looked at by our office. And we work closely with  
25 the Law Department to make sure that, you know, other

1  
2 city agencies understand what they need to follow to  
3 adhere to those detainer laws. But I'll let Tom  
4 provide a little more specifics to this. I believe  
5 there's some nuance there, but I'll let Tom speak  
6 about it.

7 DIRECTOR TORTORICI: Thank you,  
8 Commissioner. The City only holds someone for extra  
9 time and transfers them to ICE if a judicial warrant  
10 is provided. However, the detainer law also allows  
11 Department of Corrections to notify ICE where the  
12 individual has been convicted of one of the 177  
13 offenses that are enumerated or is a match on the  
14 terrorist watch list, and so in those cases  
15 Department of Correction notifies ICE, and they  
16 discharge the individual as normal without additional  
17 detention. This happened 11 times in Fiscal Year 21  
18 for context of how often it occurs. But yeah, that's  
19 a-- just a general-- the general approach.

20 COUNCIL MEMBER KRISHNAN: Thank you. I  
21 think one, I-- you know, just to note that-- as I  
22 mentioned before, the laws written on paper, the  
23 importance of ensuring that they're enforced in  
24 reality too. and so the question and the concern  
25 that I have is that DOC is utilizing notifications or



1  
2 other ways to work around the strict requirement of a  
3 judicial warrant before honoring a detainer request,  
4 and so I hope that we can work together, and that  
5 MOIA can pay close attention to the enforcement of  
6 the law to ensure that there aren't any such work  
7 arounds that undermine the very purpose of the law.  
8 Thank you.

9 COMMITTEE COUNSEL: Thank you, Council  
10 Member and Commissioner. I'm now going to turn it to  
11 Council Member Joseph for questions. You may begin  
12 when you're ready.

13 COUNCIL MEMBER JOSEPH: Okay. Good  
14 morning everyone. Good morning, Commissioner. Good  
15 morning college, Chair Hanif. Thank you for having  
16 this conversation in this space. Thank you so much,  
17 so important, very important. My question is two  
18 parts actually. When immigrants, when undocumented  
19 folks are picked up in the streets and they don't  
20 speak English, do ICE-- one, are they informed of the  
21 process in their native language? What kind of  
22 resources are there in place to support when they are  
23 picked up by ICE?

24 COMMISSIONER CASTRO: I actually don't--  
25 I'm not familiar with what happens exactly in terms

1  
2 of language access. They should, obviously. That  
3 would be very critical. Tom, do you-- are you  
4 familiar with what happens at that point?

5 DIRECTOR TORTORICI: I can't speak to the  
6 specific practice of ICE, but I can't say that we  
7 provide Know Your Rights trainings and sessions,  
8 information to community members in many, many  
9 languages. And so regardless of what approach ICE  
10 takes and whether they fail to inform an individual  
11 of what's happening or their rights in their own  
12 language, the City is working to inform them of their  
13 rights in their language so they will know what to do  
14 when confronted by an ICE officer.

15 COUNCIL MEMBER JOSEPH: As a former  
16 educator, I know that on several occasions we were  
17 confronted with ICE out of our buildings, and that was  
18 one of the reasons why I took ICE training to protect  
19 the kids. What are being done for public school  
20 educators, parents, to know when ICE does arrive at  
21 the schools, what did-- what they should do?

22 COMMISSIONER CASTRO: So, you know, like  
23 Tom said, we have an extensive set of Know Your  
24 Rights workshops that we collaborate with other city  
25 agencies and CBOs to provide the community. We

1 partner many types with local schools to provide Know  
2 Your Rights to parents. And like I said previously  
3 it's important to work closely with local community-  
4 based organizations that are able to provide this  
5 guidance to their membership and neighbors.

7 DIRECTOR TORTORICI: And just to build on  
8 that, if there is a specific school or community that  
9 does wish to receive Know Your Rights training, they  
10 can contact us directly, and we'll make sure that it  
11 happens.

12 COUNCIL MEMBER JOSEPH: Thank you. Thank  
13 you, Chair, for your leadership.

14 COMMITTEE COUNSEL: Thank you, Council  
15 Member. I'm now going to turn it to Council Member  
16 Sanchez for questions. Just as a reminder, if  
17 Council Members have questions, you can use the Zoom  
18 raise hand function to ask your question and I will  
19 call on you in the order in which you've raised your  
20 hand. Council Member Sanchez?

21 COUNCIL MEMBER SANCHEZ: Thank you so  
22 much Harbani and thank you so much to Chair Hanif for  
23 holding this important hearing, and Commissioner,  
24 thank you so much for being here and taking our  
25 questions, especially in light of the fact that

1  
2 you're answering our questions about an agency that  
3 you do not run, and I know that that is challenging,  
4 and so I-- my question is actually a question that  
5 you may or may not be able to answer, but I, you  
6 know, definitely think it's important. So we know  
7 that people with disabilities, people with non-binary  
8 gender expressions are often placed in solitary  
9 confinement because for safety issues and other  
10 excuses similar to that. And so my question is, if  
11 you have any sense of, you know, especially in light  
12 of what we're seeing with COVID-19 inside of these  
13 facilities, what the policies-- what policies ICE may  
14 have for placing individuals under solitary  
15 confinement, particularly gender non-conforming  
16 individuals and individuals with disability?

17 COMMISSIONER CASTRO: Well, first of all,  
18 thank you so much for uplifting this issue, and you  
19 know, concerns-- as I said in my testimony, we are  
20 extremely concerned about ICE's practices and that's  
21 why we are urging them to use their discretion to  
22 release detainees, especially now in the pandemic,  
23 but you know, I was very direct of-- in terms of my--  
24 you know, our displeasure or disappointment in ICE's  
25 disregard for dignity and humanity of our community

1  
2 members, and I think wherever possible we'll use our  
3 agency's advocacy to continue to shed light on what's  
4 going on in these detention centers. Tom, is there  
5 anything else specific that I may have missed?

6 DIRECTOR TORTORICI: No, nothing more,  
7 but if you do encounter specific situations and  
8 specific stories, just elevate them to us and we will  
9 do our best to advocate.

10 COUNCIL MEMBER SANCHEZ: Absolutely.  
11 Thank you so much, Commissioner. Thank you so much,  
12 Tom.

13 COMMISSIONER CASTRO: Thank you.

14 COMMITTEE COUNSEL: Thank you, Council  
15 Member. I'm not seeing any other Council Member  
16 hands at this time, so I'm going to turn it back to  
17 Chair Hanif.

18 CHAIRPERSON HANIF: Thank you so much to  
19 my colleagues for all your thoughtful questions. As  
20 a follow-up to Council Member Joseph's question about  
21 schools and Know Your Rights conducted by MOIA, could  
22 you share if there's anything that is routine or  
23 consistently being put forth by MOIA at this time for  
24 our public schools?

1  
2                   COMMISSIONER CASTRO:  What we-- we put  
3 out a lot of materials for our community members in  
4 their languages of which the Department of Education  
5 has access to, because it's such a large department.  
6 You know, they have their own resources and their own  
7 offices that address issues of immigrant communities  
8 as they come up, but we certainly play a role in  
9 making sure that when community members come to us,  
10 we're uplifting these issues to them. I will be  
11 meeting with the chancellor soon, and you know, look  
12 forward to working collaboratively with the  
13 Chancellor, with their leadership team, and make sure  
14 that our communities have the information and  
15 resources they need and they can send them our way if  
16 they have any questions. My wife is a teacher at the  
17 Department of Education, so I talk a lot about this  
18 at home, so she'll make sure that I follow up.

19                   CHAIRPERSON HANIF:  That's good to know,  
20 and I know that my colleague Council Member Joseph  
21 and I, we will be hosting something joint between the  
22 Education and Immigration Committees to dig a little  
23 bit deeper on this issue. But just to clarify again,  
24 as of right now, there aren't any sessions that take  
25 place school by school on how to-- on what to do if

1  
2 ICE comes knocking at your door? We don't have  
3 anything that's consistent within the school system?

4 COMMISSIONER CASTRO: I believe-- well, I  
5 can't speak about the Department of Education's work.  
6 I'm not familiar enough, but I will certainly look  
7 into it. As I said, they have such a huge team, they  
8 might, but I'm not aware of, but I'll certainly have  
9 the team look into it, and if there isn't we would  
10 like to collaborate with them to make sure that there  
11 is.

12 DIRECTOR TORTORICI: And just--

13 CHAIRPERSON HANIF: [interposing]  
14 Absolutely.

15 DIRECTOR TORTORICI: Just to add to the  
16 Commissioner's remarks, there are three teams at MOIA  
17 that conduct Know Your Rights trainings regularly,  
18 our outreach team, in various contexts as well as our  
19 community, our constituent services, and community  
20 teams. And ActionNYC in schools is still funded by  
21 MOIA. ActionNYC in schools specifically provides  
22 immigration legal consults and representation to  
23 students and their families as well as Know Your  
24 Rights trainings at more than 50 schools throughout  
25 the City, and so we can certainly arrange for KYR's

1  
2 where needed. Of course, you know, the school system  
3 is very large and so we do our best to reach and  
4 target as many schools that have higher immigrant  
5 populations as we can, but we are always open to  
6 sharing materials and fulfilling any requests.

7 CHAIRPERSON HANIF: For sure. I certainly  
8 as Chair of this Committee would want to collaborate  
9 with MOIA on making sure that there's a commitment to  
10 our schools and getting this information out to young  
11 people to reach their families. And then as a  
12 follow-up, is MOIA concerned about how police  
13 presence in schools, or school safety officers, can  
14 negatively impact immigration status of our young  
15 people?

16 COMMISSIONER CASTRO: That's an  
17 interesting question. As a high school student in  
18 New York, actually John Jay in your district--

19 CHAIRPERSON HANIF: [interposing] In my  
20 district, yeah.

21 COMMISSIONER CASTRO: I was actually an  
22 activist around this issue, you know. At that time,  
23 I was myself undocumented. Many of my friends were,  
24 too, and that was a big concern of our families of  
25 course, and so yes, we, you know, we'd like to look



1  
2 into this and work collaborative with you if there  
3 are, you know, advocates with these concerns, you  
4 know, to make sure that we're looking into this.

5 CHAIRPERSON HANIF: Thank you,  
6 Commissioner, and thank you Tom for being here today  
7 and answering our questions, to my colleagues for  
8 your presence. I'd like to hand it back to Harbani.

9 COMMISSIONER CASTRO: Thank you.

10 COMMITTEE COUNSEL: Thank you, Chair.  
11 I'd like to thank the Administration for their  
12 testimony. We've now concluded Administration  
13 testimony and will be turning to public testimony.  
14 I'd like to remind everyone that we will be calling  
15 on individuals one by one to testify, and each  
16 panelist will be given three minutes to speak. For  
17 panelists, after I call your name a member of our  
18 staff will unmute you. There may be a few seconds of  
19 delay before you are unmuted, and we thank you in  
20 advance for your patience. Please wait a brief  
21 moment for the Sergeant at Arms to announce that you  
22 may begin before starting your testimony. We have  
23 closed captioning available at today's hearing, and  
24 we'd like to thank Denny Mouch [sp?] and Loretta  
25 Tompkins [sp?] for providing captioning. We also

1  
2 have Spanish interpretation available at today's  
3 hearing for anyone who would like to testify in  
4 Spanish. We thank our interpreter, Jose Jimenez  
5 [sp?], for providing interpretation today. As a  
6 reminder, Council Members who have questions for a  
7 particular panelist should use the Zoom raise hand  
8 function, and I will call on you after the panel has  
9 completed their testimony in the order in which  
10 you've raised your hand. I'd like to know welcome  
11 our first public panel. I'd like to welcome Assembly  
12 Member Cruz to testify. You may begin your testimony  
13 when you are ready.

14 SERGEANT AT ARMS: Time starts now.

15 ASSEMBLY MEMBER CRUZ: Thank you so much.  
16 Good morning, Chairwoman Hanif and the rest of the  
17 members. It's a pleasure to be here. My name is  
18 Catalina Cruz. I'm the Assembly Member that  
19 represents Jackson Heights, Corona, and Elmhurst  
20 which also happens to be the community with the  
21 highest number of undocumented New Yorkers and  
22 probably the most affected by the discussion today.  
23 I also happen to be the former Counsel to this  
24 Committee way back when and helped write the detainer  
25 bill that we have been hearing about. I'm the

1  
2 Chairwoman of the Taskforce of New Americans and have  
3 been working very closely with a group of advocates  
4 on this particular issue. I'm a former immigration  
5 attorney and I can tell you when I went last year to  
6 the Orange County Detention Center, there's a lot of  
7 things that have changed, but a lot of things that  
8 have stayed the same. While the City of New York has  
9 invested a lot of money in increasing access to legal  
10 services, there's still not enough people with  
11 lawyers and there's still a lot of people who are  
12 experiencing what I would call beyond deplorable  
13 conditions. In-- one of the things that we are  
14 seeing is that ICE continues its history of racist  
15 abuse, intimidation, retaliation to folks who speak  
16 out. The use of solitary confinement has not  
17 changed. Severe medical neglect. During the height  
18 of the pandemic what we saw in their process for  
19 actually getting people over to the doctor or to get  
20 tested, it was just an absolute mess which led to  
21 more and more people being sick. We can't even get  
22 into the fact that many people did not have their  
23 constitutional rights to access their lawyer when  
24 they did happen to have a lawyer. We saw over the  
25 last year that lots of these detention centers would

1 claim that they had policies in place to care of the  
2 members of our community, but I have to be honest, it  
3 almost felt like it was a show, like it was for show.  
4 Even when many of us would show up as a surprise to  
5 visit these detention centers, they would show us  
6 certain sections that they would want us to see. But  
7 when we talked to the advocates, when we talked to  
8 the lawyers of many of these individuals, what we  
9 heard was about people going-- resorting to hunger  
10 strikes as recent as less than a month ago, because  
11 the conditions that they wanted us to believe were  
12 so-called acceptable were inhumane. And we at the  
13 state level-- and I'm so glad to see Senator Salazar  
14 because she can talk about her bill a little bit more  
15 later, but we have had several attempts in the state  
16 level to address this issue. I'll leave it to Senator  
17 Salazar to talk about her Dignity Not Detention bill,  
18 but I think it goes hand-in-hand with a lot of the  
19 other efforts to invest in legal services, to get  
20 people access to representation, which is the bill  
21 that I had to make sure that anyone who ever has to  
22 face the possibility for deportation--

24 SERGEANT AT ARMS: [interposing] Time  
25 expired.

1  
2 ASSEMBLY MEMBER CRUZ: has a lawyer. And  
3 we look for our partners in the City Council to  
4 support both of these bills and to urge many of our  
5 colleagues to continue to invest, as well as the  
6 Governor, in legal services, because we can change a  
7 lot of these laws, but if we don't give people access  
8 to actual lawyers to represent their rights, we're  
9 not going to get pretty far in this. Thank you so  
10 much, and congratulations. Is this-- I believe-- is  
11 this your first official hearing, Chairwoman?

12 CHAIRPERSON HANIF: This is my first  
13 official hearing.

14 ASSEMBLY MEMBER CRUZ: Congratulations.

15 CHAIRPERSON HANIF: Thank you. Thank  
16 you.

17 COMMITTEE COUNSEL: Thank you,  
18 Assemblywoman. I would like to now-- I'm going to  
19 now turn it to Senator Salazar for testimony. You  
20 may begin when you're ready.

21 SERGEANT AT ARMS: Time starts now.

22 SENATOR SALAZAR: Thank you. Thank you  
23 to the committee and particularly to Committee Chair,  
24 Council Member Hanif, for this opportunity to testify  
25 today. I serve as the State Senator representing the

1  
2 18<sup>th</sup> Senate District in Brooklyn, including  
3 neighborhoods which are home to immigrant families  
4 from all over the world. I am the senate sponsor of  
5 the Dignity Not Detention as Assembly Member Cruz  
6 mentioned, and the Senate sponsor of another relevant  
7 bill, the New York for All Act which prohibits state  
8 and local government officials and agencies from  
9 collaborating with federal immigration enforcement or  
10 from sharing sensitive information with federal  
11 agencies about individuals' immigration status. The  
12 Dignity Not Detention Act would effectively end the  
13 practice of immigration detention in New York State  
14 by prohibiting government entities from renewing,  
15 extending, or entering into immigration detention  
16 contracts. Simply stated, New York State should not  
17 continue to be complicit in the cruel, racist,  
18 unnecessary immigration detention practices of the  
19 Federal Government. In my current role as the Chair  
20 of the Senate's Committee on Crime Victims,  
21 Department of Correction, I've visited correctional  
22 facilities across the state including Orange County  
23 Correctional facility in Goshen, New York. At this  
24 moment, hundreds of New Yorkers are detained in  
25 immigration detention centers in our state. Some are

1  
2 detained in the federal facility in Batavia, but well  
3 over 100 individuals are detained by ICE in our state  
4 and local facilities such as Orange County. The  
5 conditions are so atrocious at Orange County for  
6 these detainees that many of them are presently  
7 engaged in a hunger strike in response to inedible  
8 food, physical abuse, harassment by staff,  
9 retaliation and a recent spike in COVID-19 infections  
10 resulting from staff's failure to implement necessary  
11 health protocols. Some of these detained individuals  
12 are my constituents, many are New York City  
13 residents. Immigration detention is unjustified.  
14 If there's no relationship to the purported goal of  
15 detaining individuals who've not been convicted of a  
16 crime, which ostensibly is to ensure that a person  
17 shows up for their court date. In New York, any  
18 immigrant facing potential deportation is represented  
19 by counsel, and non-detained individuals represented  
20 by counsel in immigration proceedings have a nearly  
21 100 percent record of appearing in court when  
22 required. This leads us to ask ourselves what the  
23 real purpose of immigration detention is. This  
24 practice seems to serve the sole purpose of punishing  
25 human beings due to their alleged undocumented

1 immigration status. There is no evidence that ending  
2 immigration detention in New York would have any  
3 detrimental impact on public safety. Instead, by  
4 keeping people in their communities without  
5 disrupting their work and daily lives, there would  
6 more likely be a positive impact on the safety of our  
7 communities. As legislators, we can and we must take  
8 action so that New York will no longer participate in  
9 ICE's harmful and inhumane operations. In New York,  
10 70 percent of undocumented immigrant workers work in  
11 businesses that are designated as essential  
12 businesses by the state. The contributions of  
13 immigrants and immigrant families to the vibrancy--  
14

15 SERGEANT AT ARMS: [interposing] Time  
16 expired.

17 SENATOR SALAZAR: and welfare of our  
18 communities is immeasurable. I'm urging the City  
19 Council to pass the resolution presented by Council  
20 Member Hanif and Public Advocate Jumaane Williams in  
21 support of the Dignity Not Detention Act. Thank you  
22 again for the opportunity to testify today.

23 COMMITTEE COUNSEL: Thank you so much for  
24 your testimony. I'd like to now welcome Assembly  
25 Member-- excuse me. Thank you for your testimony.



1  
2 I'd like to now welcome Assembly Member Harvey  
3 Epstein to testify. You may begin when you are ready.

4 SERGEANT AT ARMS: Time starts now.

5 ASSEMBLY MEMBER EPSTEIN: Alright, thank  
6 you. Hi, this is Harvey Epstein, and Chair, it's  
7 really good to see you at your first committee  
8 hearing, and I'm on my way to Albany, so I apologize  
9 for being in transit, but I just wanted to come and  
10 show my support for what we're trying to do. As  
11 Assemblywoman Cruz spoke recently, we were at Orange  
12 County Jail together and we saw the conditions that  
13 people were being kept in, and the reality is that we  
14 as a state need to do better. We need to support  
15 this resolution and get this passed through the City  
16 Council, and then give us the opportunity to get it  
17 passed in the State Legislature. But we have to deal  
18 with this more holistically, dealing with people who  
19 are being detained. I have-- we have a package of  
20 bills that we are focusing on that hopefully  
21 collective we can pass and get resolution not just on  
22 this bill but the entire package. I know that the  
23 people who are being detained at Orange County are  
24 suffering, when they're being released they're  
25 suffering. They're being forced to pay for their own

1  
2 release and their detention and their own shackling,  
3 and there's so many things that we need to do  
4 collectively in the city and the state to protect so  
5 many vulnerable New Yorkers. I really am proud to  
6 support this resolution, and hope the Council will  
7 pass it. More comprehensively work on a package  
8 that we know will ensure the quality of life for so  
9 many undocumented New Yorkers who are-- it's our  
10 obligation to support and protect. I want to thank  
11 you again for letting me be here, and Chair, it's  
12 really good to see you chairing this committee and I  
13 look forward to working together in the future.

14 COMMITTEE COUNSEL: Thank you so much,  
15 Assembly Member. I'm going to turn it now to Chair  
16 Hanif for questions or comments.

17 CHAIRPERSON HANIF: Thank you so much  
18 Assembly Member Cruz, Epstein, and Senator Salazar  
19 for being here. This is my first hearing and it just  
20 feels incredible to me to have such strong partners  
21 and allies at the state level. I'm all in to make  
22 sure that we working together and collaboratively and  
23 to making as much noise as possible to pass this  
24 resolution at the Council level. I'd love to hear  
25 from you on what other action items can be taken by

1  
2 the Council and our community organizations to really  
3 continue to keep up the urgency or on what we're  
4 seeing across detention facilities.

5 COMMITTEE COUNSEL: Thank you, Chair.  
6 I'd like to quickly ask if any other Council Members  
7 have questions. Again, as a reminder, you can use  
8 the Zoom raise hand function to ask a question.

9 SENATOR CRUZ: Chairwoman, I think, you  
10 know, one of our favorite things in government is to  
11 say let's throw some money at it. We can always use  
12 extra money for legal services, but I have to be  
13 honest, I don't think a problem of this magnitude of  
14 what's happening will the treatment of immigrants in  
15 detention is going to be fixed by money. I think we  
16 all recognize as the Commissioner said earlier which  
17 is congratulations, Commissioner, it's always good to  
18 see you. I think folks like he and I understand,  
19 frankly better than a lot of people the fear that  
20 people have of having ICE show up at your house or  
21 having family member in a detention center, and can't  
22 even begin to imagine what it's like to actually be  
23 in the detention center. I'd like to see our  
24 counsel, our Chairwoman, our Speaker, and our Mayor  
25 continue and actually take an even further step in

1  
2 perhaps demanding a meeting with ICE and CBP and the  
3 folks who are here on the ground about the treatment  
4 of people while you can't an impact in say Orange  
5 County and the rest of the state. If your  
6 constituents are up there It's New York-- many  
7 people may not know this, but because of spacing  
8 issues, most of the people who are from New York City  
9 who are in detention in immigration facilities are  
10 not in the City of New York. They are outside of the  
11 City of New York. So while they may be in someone  
12 else' jurisdiction. I think it falls on our partners  
13 at the city level to demand answers and to demand  
14 change. At least we can-- we're going to continue to  
15 fight, and I thank Julia and Harvey and many of us  
16 who are in his coalition are very much committed to  
17 the immigrant community to create this change, but a  
18 lot is going to have to happen in the meantime, and  
19 this isn't going to happen overnight, and in the--  
20 and while we work on that bigger piece of a change,  
21 we'd like to see you guys-- and we'd love to join you  
22 if that meeting does happen-- demand a meeting, an  
23 official meeting with ICE and with these detention  
24 centers and there was-- there as a time pre-COVID  
25 where folks in the immigration Committee were taking

1  
2 tours of the immigration court. We're taking tours  
3 of Varick Street. I think that needs to return.  
4 When you put a public eye and public pressure on  
5 folk's people start to act different and the change  
6 spreads. So perhaps doing something along those  
7 lines, and let us know how we can support that.

8 CHAIRPERSON HANIF: Absolutely, thank  
9 you.

10 COMMITTEE COUNSEL: [inaudible] Salazar?

11 SENATOR SALAZAR: Yeah, I'll just briefly  
12 add to that. I completely agree with Assembly Member  
13 Cruz. When, you know, when I mentioned the New York  
14 For All Act, the real intent of this is to minimize  
15 unnecessary potentially violent interactions between  
16 individuals and law enforcement that can potentially  
17 lead to people ending up in immigration detention,  
18 and so I think additionally, everything that-- any  
19 action that can be taken by the Council and also by  
20 other local governments. I mean, in New York City  
21 it's much friendlier to immigrant New Yorkers and  
22 undocumented New Yorkers specifically than in other  
23 localities around the state and we recognize that as  
24 state legislators, but any action that can be taken  
25 by the Council and also by local law enforcement to

1  
2 minimize unnecessary interactions with the police and  
3 with immigration enforcement is really critical.

4 COMMITTEE COUNSEL: Thank you Senator.

5 And I wanted to ask about what your interactions with  
6 OCJ in specific have been like. We reached out and  
7 invited them to testify. They refused the invitation  
8 to join. Would just love to know what those  
9 interactions and those visits had looked like.

10 SENATOR SALAZAR: Yeah, my experience--  
11 so I was last t Orange County Correctional facility  
12 in I think it was in December, along with Senator  
13 Marchuchi [sp?] who is the local state senator there.  
14 What we found when we were there is that the-- they  
15 told us that they were being audited, actually, that  
16 they're subject to federal, state, and local  
17 regulations and audits. They happen to be audited at  
18 the time when wee there, and so we were barred from  
19 interacting directly with anyone in immigration  
20 detention when I was there, and even though we really  
21 pushed them and asked to speak to individuals in  
22 immigration detention, they wouldn't allow us to.  
23 So, instead, we spoke to other folks that were  
24 detained in the county jail. But what we saw was a  
25 lack of compliance with essential COVID health

1  
2 protocols, wearing masks, and they just seemed very  
3 resistant to showing us the conditions in immigration  
4 detention at the jail.

5 ASSEMBLY MEMBER CRUZ: For us-- I think  
6 since Harvey's driving. We went together to that  
7 visit late spring, early summer of last year, and  
8 while we did get to see some of the folks in  
9 immigration detention, it was almost-- it was almost  
10 like a show, because we knew that things could not be  
11 as amazing as we were describing them. There was  
12 this whole notion of, "Oh, we provide them access to  
13 the computer so that they can talk to their lawyers.  
14 They can have an opportunity, you know, to actually  
15 make their own appointments." But when they would go  
16 to try to get the slots to make the appointment the  
17 system would fail, the internet wasn't working.  
18 Something was always going wrong, and with the COVID  
19 protocols it was more or less the same. There were  
20 people who were being isolated for certain periods of  
21 time, and they were making tons of excuses as to why  
22 that was. There were folks who-- there was a  
23 gentleman who was trying to find a time slot,  
24 actually, to be able to get married with his fiancé  
25 who he had had before he went into detention, and he

1  
2 simply was trying to go through the process, and they  
3 were making it increasingly difficult to-- for him to  
4 be able to even see his family. We had lawyers who  
5 would tell us that they would go all the way up to  
6 Orange County from the City of New York because the  
7 client was from the City of New York and they would  
8 get up there only to be denied access to their own  
9 client. When it came to the food it was a mixture.  
10 You know, some people were saying it was okay. Some  
11 people were saying that they were not getting it.  
12 More recently, I believe it was sometime in the last  
13 two weeks, we heard that the conditions that were--  
14 that seemed to be mildly acceptable back then have  
15 only gotten worse to the point that in the last weeks  
16 there was a hunger strike with the folks who were in  
17 immigration detention. And I think one of the things  
18 that people need to remember, is that folks who are  
19 immigration detention have committed a civil  
20 violation. These aren't folks who are facing a  
21 possible criminal charges. These aren't folks who  
22 have been convicted of a crime or criminal act,  
23 whether it's in-state or federal law. These are  
24 folks who are facing-- who are facing simply a civil  
25 violation of immigration law. Yet, they're still



1  
2 facing the consequences that would a criminal  
3 defendant, but if they don't get any of their rights  
4 they don't get the lawyers. They don't get any of--  
5 they don't get anything. They simply are treated--  
6 if we think that criminal defendants are treated like  
7 second-class citizens, immigration detention folks  
8 are treated like third or even fourth-class, because  
9 they're not considered anything in there [sic].

10 CHAIRPERSON HANIF: Thank you for naming  
11 that, Assembly Member. I don't have any further  
12 questions, but we'll turn to my council colleagues  
13 for any comments or questions.

14 COMMITTEE COUNSEL: As a reminder, I'm  
15 just going to ask if Council Members could use the  
16 Zoom raise hand function if they have a question. I  
17 see Assembly Member Epstein would like to speak.

18 ASSEMBLY MEMBER EPSTEIN: Yeah, I just  
19 wanted to add to what Assembly Member Cruz just said  
20 about our visit, that we talked to numerous people  
21 there who couldn't get access to their lawyer, who  
22 tried to make appointment [inaudible] the lawyers  
23 weren't there. That was really critical. A few were  
24 health issues that people continued to raise around,  
25 medical attention that they weren't getting, and

1  
2 these were people like she said weren't convicted of  
3 anything or weren't getting adequate medical  
4 attention as well. So there are a whole host of  
5 concerns that we raised during the site visit that  
6 still seemed to be unresolved and gotten worse over  
7 time.

8 COMMITTEE COUNSEL: Thank you Assembly  
9 Member. I'm not seeing any other hands at this  
10 moment. So, I'd like to thank this panel for their  
11 testimony and we'll be moving onto our next panel.  
12 In order I will be calling on Mercy Quinatotche  
13 followed by Rosa Cohen-Cruz followed by Filipe  
14 Cortes. Mercy Quinatotche, you may begin your  
15 testimony when you are ready.

16 MERCY QUINATOTCHE: Good morning, New  
17 York City Council. My name is Mercy Quinatotche. You  
18 may know me as Ms. Q. I am here to tell how awful  
19 the conditions were for me and other women in ICE  
20 custody at the Rensselaer County Jail. I arrived in  
21 the United States as a child to rejoin my family and  
22 escape violence in Ecuador. I was young when I came  
23 to New York. New York is where I have lived for more  
24 than half of my life. I am before you today because  
25 in 2020 I was ordered deported by the Immigration

1 Court. I was also convicted of a felony. Then sent  
2 to prison to serve a one-year sentence. I was  
3 released on parole from criminal custody in August  
4 2021, but then ICE arrested me again at the prison.  
5 ICE shackled my hands, waist, and ankles when they  
6 transported me to Immigration custody. While  
7 transporting me, ICE made me walk over a drain [sic]  
8 which I knew was dangerous. I warned the officer, but  
9 he ignored me. My ankle shackles got stuck in the  
10 drain. I told the ICE officer to stop and help me.  
11 Instead, he tugged [sic] hard on the chains, holding  
12 the shackles. My ankle ripped against the shackles  
13 when the officer pulled on the chain. I fell forward  
14 straight on my face. I was covered in scratches and  
15 bleeding. Four months later, I learned that my  
16 ankles had been fractured by the ICE officer during  
17 this incident. I was not taken to a hospital.  
18 Instead, I was taken to the Rensselaer County Jail  
19 left injured and unable to walk. The jail put me in  
20 a dirty cell where there was no mattress. I had to  
21 ask for a mattress. In the jail officers gave me a  
22 dirty one. On top of that, the cell was filthy and  
23 wrecked. The toilet was clogged and the urine and  
24 garbage was all over the floor. I was injured and  
25

1  
2 felt dirty. I asked for a shower to clean the blood  
3 off of me and a phone call to tell my family where I  
4 was. The officer denied both of those requests. I  
5 was denied showers and phone calls to my family for  
6 two weeks. After I filed a civil rights complaint  
7 against the jail I was mistreated by that Rensselaer  
8 County officers. They told me I was lying about my  
9 injuries and making the whole thing up. Because I  
10 was in crutches, I needed extra help to get things  
11 like my meals. But they wouldn't help me. If other  
12 people in jail were trying to start problems with me,  
13 the jail guards would just ignore me. It was like  
14 they did not want to protect me. It felt like the  
15 officer discriminated against immigrant woman in my  
16 unit, especially me. I was in a place where I just  
17 cried so much I just wanted to give up. I'm happy to  
18 say that because of the community [sic] pressure and  
19 support I am now free from ICE detainership [sic] but  
20 I want the New York City Council to understand my  
21 situation is not unique. What happened to me happens  
22 to other immigrants every day. So I'm asking the  
23 City Council to urge New York State to pass the  
24 Dignity Not Detention Act, and end immigration  
25 detention in New York State.

1  
2 SERGEANT AT ARMS: Time.

3 MERCY QUINATOCTE: I just want justice  
4 for other immigrants like me, and we need your help.  
5 Thank you so much for listening.

6 COMMITTEE COUNSEL: Thank you so much for  
7 your testimony. I'd like to now welcome Senator  
8 Ramos to testify. You may begin when you are ready.

9 SERGEANT AT ARMS: Time starts now.

10 SENATOR RAMOS: Buenos dias, and  
11 greetings from Albany, New York. My name is Jessica  
12 Ramos and I'm the State Senator representing District  
13 13, which includes Jackson Heights, East Elmhurst,  
14 Corona, and parts of Astoria, Woodside, and Elmhurst  
15 in Queens. I also Chair the Senate Committee on  
16 Labor, and my district is the most diverse Senate  
17 district in the entire country and was the national  
18 epicenter of the COVID-19 pandemic. Above all, I am  
19 the proud daughter of formerly undocumented Columbian  
20 immigrants, one of whom, my father, was detained by  
21 Immigration in the late 80s. In my time in the State  
22 Senate, I introduced and passed the Farm Worker Fair  
23 Labor Practices Act and the Excluded Workers Fund.  
24 Now, I am working to pass the Early Learning  
25 Childcare Act which will provide free to low cost

1  
2 childcare to 93 percent of New York families  
3 regardless of immigration status. I am also a proud  
4 co-sponsor of Coverage for All, the New York Health  
5 Act, and Dignity Not Detention. I mention these  
6 pieces of legislation because they all illustrate  
7 that detention is the not the necessary default  
8 response to challenges our state faces. On any given  
9 night hundreds of New Yorkers are held in Immigration  
10 Detention across the state, separating them from  
11 their communities and separating them from their  
12 families. I cannot adequately express the seriousness  
13 of the harm that this does to families and  
14 communities in our state. I have been visiting my  
15 neighbors in jails and prisons since I was a child  
16 and have seen firsthand the emotional and  
17 psychological damage that this practice not only has  
18 on those who are detained, but especially on their  
19 children. As of January of this year, the ICE  
20 facility in Orange County Correctional Facility had  
21 no vaccination program, limited access to routine  
22 medical care in the midst of a COVID surge, and  
23 serious issues with food supply and hygiene  
24 conditions for those detained. My constituents are  
25 among those detained and among the 56 individuals who

1 ended their hunger strike under threat of  
2 retaliation. I urge the City Council to defend the  
3 dignity of all of our undocumented neighbors and pass  
4 the proposed resolution in support of Senate Bill  
5 S7373, otherwise known as Dignity Not Detention.  
6 Dignity Not Detention would close the loophole that  
7 is stopping New York from truly being a sanctuary  
8 state by ending New York's participation in the  
9 federal immigration detention system and transforming  
10 New York into a state where anyone and everyone can  
11 lead a dignified life. By prohibiting government  
12 entities from opening new immigration detention  
13 centers, renewing contracts for existing detention  
14 centers and closing existing detention centers, we  
15 reject the premise that the health of our economy  
16 depends on this inhumane process. Detaining  
17 immigrants is not a viable economic model for upstate  
18 economies, and bills that move us toward an  
19 alternative, caring economy can emphasize that point.  
20 I'm grateful for the partnership of Council Member  
21 Shahana Hanif--

22  
23 SERGEANT AT ARMS: [interposing] Time  
24 expired.  
25

1  
2 SENATOR RAMOS: who using her new seat as  
3 the Chair of the New York City Council Committee on  
4 Immigration to fight for the safety and the dignity  
5 of our undocumented neighbors. I look forward to our  
6 continued collaboration. Thanks for having me today.

7 COMMITTEE COUNSEL: Thank you so much for  
8 your testimony. I'd like to now welcome Rosa Cohen-  
9 Cruz to testify. You may begin when you are ready.

10 SERGEANT AT ARMS: Time starts now.

11 ROSA COHEN-CRUZ: Thank you. I'm  
12 testifying on behalf of three people today, all three  
13 of them are currently in Orange County Correctional  
14 Facility. The first is J.L. "My name is J.L. and I'm  
15 writing you this letter because I want to provide  
16 testimony about the conditions here in Orange County  
17 Jail. I want to talk about the mistreatment I've  
18 experienced here in detention. It comes from the  
19 guards with racism, no adequate food and medical  
20 neglect. My friend who is here filled out a form for  
21 doctors to see him, and it took two months for staff  
22 to see him, even when he is seen he is told by staff  
23 that he's not in the system, implying he didn't fill  
24 out the form. And like the rest of us, he stands up  
25 for himself by telling staff that he did fill out the



1 forms. [inaudible] doesn't call myself or check up  
2 for my anemia, and I'm still waiting to be seen.  
3 There are barely any Spanish speakers here to assist  
4 us with our issues. As for now, they are always  
5 serving pasta. At times we must hold our noses to  
6 eat it because of how inedible the food is. I have  
7 told my legal team at the Bronx Defenders about how  
8 terrible the food in September of 2021. Recently,  
9 we've come together to peacefully protest the  
10 conditions here in detention by refusing the food  
11 they serve. They took all our commissary and locked  
12 us in our cells for five days as punishment for our  
13 peaceful protest. Again, recently they've been  
14 giving almost everyone who supported the peaceful  
15 protest a disciplinary notice. They asked me if I  
16 was guilty or innocent, and I declared myself  
17 innocent, because I and the other detained people  
18 didn't do anything wrong. They declared me guilty  
19 for the peaceful protest and wanted me to sign the  
20 disciplinary documents. We didn't do any violence.  
21 We didn't hurt anyone. So I do not understand why we  
22 were disciplined and penalized. The majority of  
23 people got guilty verdicts for the peaceful protest.  
24 As mistreatment from guards, if we need basic  
25

1 necessities such as soap, toilet paper, etcetera,  
2 they don't give it to us. The Correction Officers  
3 want to punish you and lock you up in your cell for  
4 breaking any kind of minuscule rule. Guards try to  
5 control every little action you do. We also  
6 experience racism, xenophobia inside detention. The  
7 guards tell us we should go back to our country.  
8 What are doing in a country that does not belong to  
9 us? As Sergeant Simarelli [sp?] told someone who is  
10 here detained that he hopes that they deport him this  
11 week. I am friends with the person he told that to.  
12 Before we could see the name tags of the guards, but  
13 over time they removed them. If anyone files a  
14 complaint towards an officer, the next day that  
15 officer will have the same person that complained in  
16 their sights. They try to find any reason to lock  
17 them up, and if they do, the guard will report-- will  
18 do a report to demonstrate bad behavior which damages  
19 their immigration case. This happens a lot. That's  
20 why we don't say anything. We'd rather say nothing  
21 and not report the things they do or say.  
22 Collectively, people who are detained here wrote a  
23 list of complaints to the Director. The Director  
24 responded that she never got those complaints  
25

1  
2 regarding medical neglect, food, mistreatment from  
3 officers, etcetera. The Director came back and asked  
4 what was the complaint. We said medical neglect and  
5 the mistreatment by officers, beds, and inedible  
6 food. In response the Director said that if we did  
7 not like the food we could just throw it in the  
8 trash, and we should stop protesting because we are  
9 going to get into problems with the jail staff.

10 People here who are detained have been sending our  
11 complaints to an activist as well to help address the  
12 issues that people in charge are not paying attention  
13 or addressing. These are my words that I wanted to  
14 say. Even though I can't say everything they do to  
15 us in this letter, I wanted to thank you for allowing  
16 me to say all of this. I hope you can give us  
17 attention so that things will be easier for everyone  
18 in the future and the present." Next, I will read  
19 WG's testimony. "My name is WG and I'm writing this  
20 letter because I want to provide my testimony about  
21 the conditions here in Orange County Jail. I want to  
22 start with the quality of the food here served in the  
23 kitchen. The food is expired or about to be expired.  
24 I know because I worked in the kitchen, so I know how  
25 it is. They just feed us pasta for lunch and dinner

1  
2 over and over. There are people here who have been  
3 detained longer than I have, and they say the same  
4 thing. They just serve pasta and expired food. I  
5 would not feed this to animal, let alone a human  
6 being every single day for lunch and dinner. The  
7 only edible foods are the ones we buy with our  
8 commissary. People who are detained here try to help  
9 each other by sharing food we buy, because most of us  
10 cannot afford it. This causes more financial hardship  
11 on our families who know about our situation with the  
12 food and want us to eat better. Our families  
13 sacrifice themselves more to send us commissary,  
14 which is unfair. Now my mother is struggling to pay  
15 the rent and food without my financial support, all  
16 while looking after my daughter. I received my food  
17 handling certification and picked up a job inside the  
18 detention as a cook to ease the financial burden on  
19 her. I and the other people detained work from 3:30  
20 to 12:30 for \$42 a week, which is not fair or enough.  
21 Cooking is not an easy job. I even fainted while  
22 working the kitchen. We do not sit. We are standing  
23 the entire time. There have been moments where we  
24 wanted to submit complaints about their treatment  
25 towards us. Whenever we ask for documents to fill

1 out the grievances, they say we will bring them.  
2 They never do. Sometimes when we're working the  
3 kitchen they don't inform us about phone calls we  
4 receive, and if they do they call us just a few  
5 minutes remaining for our call. There's barely any  
6 confidentiality when doing phone calls, as well which  
7 effects our legal representation. As for the staff  
8 here, sometimes there are guards who discriminate  
9 because of how you look or where you're from. They  
10 disrespect us, and if we do the same, we get  
11 disciplined. An example would be if use the  
12 microwave past a certain time that you can use it,  
13 and you try to explain to them that you just want to  
14 heat up some food. They'll pretty much threaten to  
15 send you into lockdown and even monetarily charge us  
16 with tickets. They sometimes mistreat us. If we ask  
17 for something, sometimes they give it to us, but  
18 sometimes they don't. Our overall well-being is  
19 ignored as well. Around 15 days ago in one cell a  
20 sprinkler broke. Other people who were detained were  
21 sent to clean the mess. The water was very dirty and  
22 a lot were affected. The guards told us that they  
23 were going to move those affected by the sprinklers  
24 to another section, but they are currently in the  
25

1 same location where the sprinklers broke. Someone  
2 that was cleaning the mess came out stained from the  
3 dirty water caused by the broken sprinklers. The  
4 staff didn't bother to take him to see a medical  
5 professional after being exposed to the dirty water.  
6 As for medical neglect, if your head hurts or your  
7 body hurts, you ask them for simple medications like  
8 Tylenol, they tell you to fill in a sick slip, and  
9 they don't come and see you or give you any kind of  
10 treatment. I came in here on the 29<sup>th</sup> of September  
11 and submitted a sick call slips for back pain, and  
12 still they have not seen me. The only two instances  
13 I received any kind of medical care was when I  
14 fainted in the kitchen and then 15 days after I  
15 fainted. I was taken to the hospital and they said I  
16 have anemia and only gave me two pills. After the 15  
17 days they did only a check-up as a follow-up and  
18 that's it. A lot of people here are putting in their  
19 sick call slips and still haven't been seen. I have-  
20 - I see people who are visibly sick, and staff just  
21 waits to see if they get better over time instead of  
22 treating them. It is us who are detained that try to  
23 take care of people who are sick here. We even put  
24 wet clothes on their heads to lower their fever.  
25

1  
2 When people got sick here with COVID-19 they didn't  
3 give them medical treatments. They just put them in  
4 quarantine and had to hope for the best, and it was a  
5 lot of people that tested positive for COVID-19. To  
6 me, this is not right. In my opinion they should be  
7 treating us with medicine if we get sick with COVID-  
8 19 or any other illness. If we call the  
9 psychologist, they just ask you two or three  
10 questions, if you want to harm yourself, how are you,  
11 are you having suicidal ideation? There is no one  
12 here to express yourself to. There's no mental  
13 health professional that can offer therapy in  
14 Spanish, and it's even more challenging when there's  
15 an interpreter present for the session. It has  
16 discouraged others here who are detained to seek  
17 therapy. Therapy here is nothing stable or long-  
18 term, and when non-guard staff do come to our  
19 section, they just come like nothing happened. No  
20 questions on our well-being or anything. It's like  
21 when the guards come they don't ask a question. If  
22 you want to ask something, they tell us that they're  
23 rushing somewhere and can't answer our questions.  
24 Perhaps the change won't be now, but I would like for  
25 any future detainees to have freedom to express how

1  
2 they're feeling. There are no resources here to help  
3 us with our mental health, especially in our native  
4 language at this facility and this facility is a  
5 majority Spanish speakers. The resource can be  
6 crucial for our mental health especially after our  
7 court cases. When I lost my court case I felt  
8 frustrated and sad. I did not have a professional to  
9 speak with me, and I felt frustrated and sad. I did  
10 not have a professional to speak with me, and I felt  
11 too sad to work in the kitchen that week. Because of  
12 this, I was let go of my job as a cook within the  
13 detention making it mo3 difficult for me to afford  
14 anting here. I appreciate the opportunity to express  
15 myself to vent about these conditions, and I hope to  
16 help someone in the further, not for this moment, but  
17 for those who come here after me." Finally, I'm  
18 going to read EM's testimony. "My name is EM, and I  
19 am writing you this letter because I want to provide  
20 my testimony about the conditions here at Orange  
21 County Jail. I would like for everyone reading this  
22 to understand the conditions here. What we are  
23 expressing is a lot of stress and issues. My mother  
24 passed away the beginning of February form COVID-19.  
25 It has been a difficult month for me, especially



1 since it was my mother's birth day on Valentine's  
2 Day. I wanted to see a psychologist because I really  
3 needed to talk to someone. I requested to see a  
4 psychologist here and was told that there are no  
5 Spanish-speaking therapists available. The staff here  
6 recommended instead that I join a detainee-run group  
7 meeting. This is not a resource from the detention.  
8 Instead it is the Detainee Initiative. I don't  
9 understand how there is not a Spanish-speaking  
10 therapist in the facility with majority Spanish  
11 speakers. We are also experiencing medical neglect  
12 from the staff here. We had to share the same space  
13 with others who became sick with COVID-19. I had to  
14 disinfect our equipment like our headset because  
15 someone who had COVID would use it for their legal  
16 calls. Even the guards are not informed of which  
17 showers people infected with COVID-19 used. Around  
18 that time I got sick and requested to be tested and  
19 evaluated for care regarding my blood pressure and  
20 pain I was experiencing. It took nine days to be  
21 seen and three days to authorize a Motrin for my cold  
22 at the time. It was difficult to wait for the  
23 medication for days while I was in pain. Another  
24 person who was detained shared their pain medication  
25

1 they had from their [inaudible] with me. Under  
2 normal circumstance I would never have accepted, but  
3 I was in pain so I had no choice. When I finally  
4 received the Motrin, my body was not reacting well,  
5 and I requested for an alternative like Tylenol. The  
6 medical staff told me I needed a doctor's  
7 prescription for an over-the-counter medicine like  
8 Tylenol, something I've never heard of, and said I  
9 was only authorized to take Motrin. Along with  
10 medical neglect, we also experienced mistreatment  
11 from the guards. They are not trained for detention  
12 centers at a federal capacity. When alarms go off  
13 here, instead of explaining what the alarms are for,  
14 they lock us in our cells. They sound like fire  
15 alarms, and it feels as if there's a fire outside our  
16 cells and we cannot escape. The guards also say  
17 racist comments towards us. A Sergeant tells us that  
18 if we do not like how detention is run we can go back  
19 to our countries. The situation here does not have  
20 to be like this. We are also mistreated with the  
21 food. The food is inedible. It smells bad and the  
22 rice is raw. At times we eat this inedible pasta for  
23 five days in a row. It can be expensive to buy  
24 edible food with commissary. It can cost 60 to 80  
25

1  
2 dollars a week to eat edible food, which is unfair to  
3 pass this financial burden on our families. Refusing  
4 the inedible food is how we begin to protest these  
5 conditions. Unfortunately, there has been  
6 retaliation for our protests. We got disciplinary  
7 notices regarding our peaceful protest. I was asked  
8 if I declared myself guilty or innocent, and I chose  
9 innocent because I am innocent. The guards declared  
10 most of us guilty. I do not understand why they are  
11 doing disciplinary actions towards us when we are  
12 simply protesting peacefully by refusing the food.  
13 The guards also locked us in our cells for five days,  
14 took our commissaries and our extra sheets. The jail  
15 here makes people's physical and mental health worse,  
16 and it is a scary environment. I myself feel  
17 physically and mentally deficient since my detainment  
18 here. I wish there were better mental health  
19 services here. I think it is important to have mental  
20 health assistance, because your mental state--

21 SERGEANT AT ARMS: [interposing] Time  
22 expired.

23 ROSA COHEN-CRUZ: affects the whole body.  
24 I hope change happens here in the detention center,  
25 because this is a cemetery for the living." Thank

1  
2 you for your time. I know the three people inside  
3 appreciated the opportunity to share their story and  
4 wish that they could have done so themselves. Thanks  
5 so much.

6 COMMITTEE COUNSEL: Thank you so much for  
7 your testimony. I'd like to now welcome Felipe Cortes  
8 to testify. Felipe will be accompanied by Spanish  
9 interpretation by our interpreter Andrea Jurado  
10 [sp?]. Can we please unmute both of them? Andrea,  
11 can you also please explain to Mr. Cortes that you'll  
12 be providing simultaneous interpretation. So he can  
13 pause while he's providing testimony.

14 INTERPRETER: The interpreter needs to  
15 make a clarification. I will be providing  
16 consecutive interpretation, not simultaneous.

17 COMMITTEE COUNSEL: Okay, thank you.

18 INTERPRETER: [speaking Spanish]

19 FELIPE CORTES: [speaking Spanish]

20 INTERPRETER: Okay, good morning  
21 everyone. My name is Felipe Cortes. I was detained  
22 in Orange County for 11 months.

23 FELIPE CORTES: [speaking Spanish]  
24  
25

1  
2 INTERPRETER: I was liberated [sic] in  
3 December 8, 2021, exactly one year after I came,  
4 exactly right now.

5 FELIPE CORTES: [speaking Spanish]

6 INTERPRETER: First of all, thank you for  
7 the Council to be able to express myself with you  
8 today.

9 FELIPE CORTES: [speaking Spanish]

10 INTERPRETER: There's so many things I  
11 want to share with you, but the biggest thing I want  
12 to share with you is about the lack of medical care  
13 in Orange County.

14 FELIPE CORTES: [speaking Spanish]

15 INTERPRETER: There's so many problems  
16 about accessing the meds. There's so many people  
17 that are suffering through illness and they're not  
18 get the adequate medication or treatment.

19 FELIPE CORTES: [speaking Spanish]

20 INTERPRETER: Some people get authorized  
21 for their treatment, but some-- but those same people  
22 do not get the medication adequately or properly.

23 FELIPE CORTES: [speaking Spanish]

24 INTERPRETER: This is something that  
25 happened to me personally. I suffer from two chronic

1  
2 conditions, high blood pressure, stomach-- something  
3 called gastritis.

4 FELIPE CORTES: [speaking Spanish]

5 INTERPRETER: They always fail to give me  
6 the medication properly, one or three times a week,  
7 and the treatment wasn't-- it did not have a good  
8 effect.

9 FELIPE CORTES: [speaking Spanish]

10 INTERPRETER: In Orange County there is  
11 schedules to give the medication, one in the morning  
12 time and at the evening, but I was working as a cook  
13 from 3:00 a.m. to 1:00 P.m. And the people that were  
14 giving the medication would come with the unit cart  
15 [sic] and they were there. For the people that were  
16 available, they would get the medication without a  
17 problem. The office then-- the officer guard would  
18 tell me I had to call for my medication, but they did  
19 not want to do their work. They would tell me when I  
20 go back to my unit I could get medication or a  
21 nighttime [sic].

22 FELIPE CORTES: [speaking Spanish]

23 INTERPRETER: The interpreter needs  
24 repetition. Allow me, please. [speaking Spanish]

25 FELIPE CORTES: [speaking Spanish]

1  
2 INTERPRETER: Gracias. When I would go  
3 back to the unit and I had waited the whole night to  
4 get my medication as I was suggested by the officers,  
5 but the nurse would just tell me to wait until the  
6 morning time, because it was out of [inaudible] to be  
7 given m medication. And just like that, a day would  
8 pass, two, three, and nothing would change.  
9 Everything would be the same. After that time I would  
10 feel dizzy for not having the COUNCIL MEMBER MENDEZ:  
11 and having high blood pressure. I would also have a  
12 lot of stomach pain because of my gastritis. I was  
13 always having virtual sessions with my social worker,  
14 Meg Margarita [sp?] from Department of Brooklyn  
15 Defenders, and I would have or complain to her and  
16 tell her all of this that was happening. So she would  
17 have to constantly make calls to the jail for her to  
18 create a change.

19 FELIPE CORTES: [speaking Spanish]

20 INTERPRETER: There was also a big lack  
21 of mental health services. There's not an adequate--  
22 they're not adequate and neither they are prepared.  
23 I once again feel more support from my worker  
24 Margarita from Department of Brooklyn Defenders than  
25 everything that has been given to me in Orange

1  
2 County. Every time I fill out a petition for mental  
3 health services, they would just tell me it is  
4 stress. I would have to drink more water or sleep  
5 more. We wanted and we needed therapy or sort of  
6 like a group to distract our minds, especially with  
7 everything that is happening right now with the  
8 pandemic.

9 FELIPE CORTES: [speaking Spanish]

10 INTERPRETER: At the moment I want to  
11 thank for the space and the support for everyone  
12 here. I would like to call the committee meeting and  
13 the Council. I would not say this is a battle,  
14 because it is not, but it is a cult for change,  
15 because it is necessary. Once again, this is  
16 [inaudible] for me. I just wnt to thank the space  
17 and the support that everyone has given.

18 COMMITTEE COUNSEL: Thank you so much for  
19 your testimony and thank you Andrea for providing  
20 interpretation. At the time of this panel, we  
21 concluded this panel of testimony. I'm going to turn  
22 it to the Chair for any comments or questions.

23 CHAIRPERSON HANIF: Thank you so much  
24 Harbani. Thank you to all who testified and I'm not--  
25 I'm in a lot of pain listening to the stories of



1  
2 formerly detained and currently detained people at  
3 this facility, and I just want to thank you for your  
4 courage. It takes tremendous courage to recall all  
5 the pain and then to share it out loud again and  
6 again, and you must keep telling these stories as we  
7 continue to hold these facilities accountable and  
8 shut these facilities down. So I want to run through  
9 some questions and encourage my colleagues who are  
10 still here to also ask questions. Could you share  
11 more in detail what forms of racist harassment and  
12 abuse detained people have encountered at OCJ?

13 ROSA COHEN-CRUZ: I can take that,  
14 although, of course I would like to cede to anyone  
15 who's experienced it themselves to tell their  
16 stories. But what we continue to hear from the folks  
17 that we represent collectively and other advocates  
18 that we're working with are low-- scales of  
19 harassment, from things like changing the channel on  
20 Spanish language television when people are listening  
21 or watching TV in a language that they understand to  
22 abuse and physical violence. So there's a range, and  
23 I know that the-- there will be more testimony on  
24 this issue from some of the organizations that

25

1  
2 actually filed the lawsuit, the CRCL complaint a  
3 little bit later in the hearing as well.

4 CHAIRPERSON HANIF: And Rosa, are you  
5 able to share who engages in this harassment? Is it  
6 pervasive, or not isolated to a particular officer or  
7 unit?

8 ROSA COHEN-CRUZ: Sorry, was trying to  
9 unmute there. Yes, my understanding is it is  
10 pervasive. There are certain repeat offenders and  
11 guards who-- and specific officers who are named in  
12 this CRCL complaint who are identified as having a  
13 pattern and multiple instances of abuse against  
14 different people across periods of time. So I  
15 definitely defer to colleagues and directly impacted  
16 people who can give more detail on this later in the  
17 hearing, but yes, it is a pervasive issue.

18 CHAIRPERSON HANIF: And then what avenues  
19 do detained people have to report abuse and  
20 harassment?

21 ROSA COHEN-CRUZ: Within the facilities  
22 there is, in theory, the system of grievances and  
23 filing and reporting, but as you've heard, many of  
24 these grievances disappear or go unanswered or invite  
25 retaliation, and so that is not a meaningful way for

1  
2 people to address the issues that are happening  
3 inside. A lot of people work with their advocates on  
4 the outside for those who are represented who-- and  
5 are able to try to elevate these issues. but one of  
6 the reasons this hearing is so important for us today  
7 is it is one of the first opportunities to really  
8 shine light on the patterns and practices that have  
9 been happening there, and the organizations with  
10 filed the CRCL complaint as well as the news coverage  
11 recently about what's been going on there are some of  
12 the, you know, more powerful moments to really  
13 elevate the reality of what's happening in there  
14 right now.

15 CHAIRPERSON HANIF: Thank you, Rosa. And  
16 I want to know if Mercy or Felipe would feel  
17 comfortable responding to the questions I've asked.  
18 We'd really love to hear a little bit more details  
19 from both of them. And if Andrea could interpret?

20 INTERPRETER: Hello, this is interpreter  
21 speaking. Can you repeat the question again?

22 CHAIRPERSON HANIF: I had wanted to hear  
23 from Felipe, if it was possible, responses to some of  
24 the questions I asked, but no pressure.

25 INTERPRETER: [speaking Spanish]

1  
2 COMMITTEE COUNSEL: I think there may be  
3 a technical issue with Felipe's computer. He might  
4 not be able to check unmute.

5 CHAIRPERSON HANIF: No worries. And  
6 Mercy, if you'd like to share a little bit more about  
7 reporting abuse and harassment at the facility and  
8 how the threat of retaliation affected whether people  
9 felt safe making such reports.

10 MERCY QUINATOCTE: It was hard to a  
11 grievance on the officers because every time you put  
12 in a grievance or you complain about it, he people  
13 that will harass you will be the first ones to know  
14 about your complaint, and the complaints usually are  
15 confidential, but nothing at that jail was  
16 confidential. I used to get mistreated. The other  
17 inmates will try to fight because they knew we had  
18 less help and I felt like every time one of them will  
19 try to fight me it was like for me to get in trouble  
20 because as soon as you get in trouble, you get a  
21 ticket, and that ticket will cost like 25 dollars,  
22 and on top of that they'll give you like 21 days  
23 locked-in. Every time I didn't say anything, the  
24 only comebacks I will get from them will be like, "Go  
25 back to your country." Like, you're not-- you're not

1 from here, like, go back. We don't want you here.  
2  
3 It was really awful because the officers will be  
4 there listening to everything the other inmates will  
5 say against us, and they wouldn't do anything. They  
6 would just laugh at it. And with my medical it took  
7 them technically four months for me to tell me that  
8 my ankle was fractured. They kept making fun of me  
9 saying that I was just making it all up just to have  
10 some pity. To be honest, I felt so vulnerable  
11 because I couldn't contact my family. I couldn't  
12 technically take showers. It took them technically  
13 two weeks just to receive one shower. I had to  
14 contact my lawyer just for her to call the jail and  
15 tell them to give me a phone call. And for my  
16 medical, same thing. It took my lawyer to give them--  
17 - to make them, basically, give me medical attention  
18 because I could not walk. I couldn't do everything  
19 for myself. Even when I asked for help, they will  
20 deny me that help because they said that nobody else  
21 can help me, that I have to help myself. I had to  
22 write the nurse for them to give me permission for  
23 somebody to help me, but even the nurse will say they  
24 don't allow us to get help. so, it was really-- I  
25 felt like giving up so many times, but with the help

1  
2 of my lawyer, my family, my partner, every day they  
3 just gave me more-- they kept me strong to basically  
4 just keep fighting, and that's what I want to tell  
5 all the other immigrants that are going through the  
6 same thing that I went through, not to give up,  
7 because there is help, and that even though nobody  
8 else will listen to us, there are people that will  
9 hear us, and they will help us. Hopefully, they can  
10 close this detention down because we do not deserve  
11 this. We're basically not animals. We don't deserve  
12 to be treated like they treat us.

13 CHAIRPERSON HANIF: Thank you, Mercy, for  
14 detailing the harrowing abuse you experienced at the  
15 facility. Could you share with us how you're doing  
16 now and the state of your mental health at this  
17 moment?

18 MERCY QUINATOCTE: I've been receiving  
19 therapy. Thank God I was able to get an affordable  
20 insurance. I just recently removed my cast because I  
21 was in a cast for two months. I didn't even know my  
22 ankle was fractures. So I had to be in the cast, and  
23 my mental health, all I can say is I get nightmares  
24 all the time of just my time being in jail. I get a  
25 lot of nightmares. I have depression. I have

1  
2 anxiety, and it has affected me in so many ways,  
3 mentally. Every time I speak about this, it brings  
4 so many memories. All I do is technically cry. It's  
5 so hard to recall everything. I've been going to  
6 physical therapy to get my ankle fixed, even though  
7 it's not going to be better. They're trying to do  
8 everything to help me, because I might have to get  
9 surgery. That's just devastating for me, because I  
10 used to be a great soccer player. So right now, with  
11 Immigration fracturing my ankle, it's-- they just  
12 killed my whole dream of ever playing again.

13 CHAIRPERSON HANIF: Mercy, we are here  
14 for you. We'll be following up on your recovery and  
15 your healing, but thank you for sharing just how  
16 long-lasting the impacts of the abuse have been on  
17 you, and your family, and this of course impacts us,  
18 your community. Could you share if you participated  
19 in any of the hunger strikes while you were at the  
20 center?

21 MERCY QUINATOCTE: There were times I  
22 didn't eat, and to be honest, the officers didn't  
23 even care. Sometimes they didn't even give me my  
24 food. Even if I wasn't on hunger strike they  
25 wouldn't give me my food. They'd be like, "Oh you

1  
2 didn't wake up to get it." Or the other inmates will  
3 just-- if you came out five minutes late, they would  
4 just throw your food. Sometimes not a lot of people  
5 will because other inmates will just throw your food  
6 away just for being late. I did stop eating for a  
7 while. I was starting to get sick, so my family  
8 urged me to start eating. They urged me to basically  
9 take care of myself because if I couldn't take care  
10 of myself, they couldn't either. So, the only way  
11 that I could basically have strength was by hearing  
12 their voices.

13 CHAIRPERSON HANIF: Yeah. I don't have  
14 any further questions. Do any of my colleagues have  
15 any questions? I'd like to acknowledge Council  
16 Member Williams and Dinowitz for being here this  
17 afternoon. Thank you.

18 COMMITTEE COUNSEL: Thank you, Chair. I  
19 see that Council Member Krishnan has a question. You  
20 may begin your questioning when you're ready.

21 COUNCIL MEMBER KRISHNAN: Thank you.  
22 Thank you, Chair Hanif. First, I want to say thank  
23 you, Ms. Quinatocte, Mr. Cortez, and J.L., E.M., W.G.  
24 and Ms. Cohen-Cruz too for facilitating their  
25 testimony as well. Thank you for coming forward, for



1  
2 sharing so powerfully your stories of traumatic  
3 experience, which I know recounting them is so  
4 traumatizing, too, but we appreciate you coming  
5 forward so courageously to tell those stories so the  
6 public can hear what has happened. For you all to  
7 know, as Chair Hanif said and I echo too, that we are  
8 all here to fight alongside all of you to end  
9 immigrant detention in New York State given how  
10 inhumane the treatment is. So I want to say that  
11 first. I want to put this on record and be very  
12 clear, that I am disgusted and offended by the  
13 utterly racist comments, discriminatory practices,  
14 and treatment of the officials at the Orange County  
15 Jail, and I find even more cowardly and appalling  
16 that despite our invitation for them to come today to  
17 account for their treatment, that they didn't show up  
18 as they should have done, instead of saying these  
19 kinds of things behind closed doors and denying it in  
20 public. I am also-- I remember reading, as well, in  
21 one of the articles about the way in which one of the  
22 guards at OCJ had mentioned that the hunger strike  
23 was not some sort of Gandhian thing, and I want to be  
24 very clear, as an Indian-American Council Member I am  
25 offended by that kind of racist commentary. Because

1 what I see, actually, is a group of people in Orange  
2 County Jail using Gandhian tactics of civil  
3 disobedience and collective action to affect change  
4 and successfully affect change against their  
5 oppressors and their oppressors being the jailors in  
6 Orange County, and to change conditions within the  
7 Orange County Jail. That's what I see. And again,  
8 the lack of their ability to come forward to defend  
9 these kinds of statements, discriminatory practices  
10 and racist treatment is a statement itself of their  
11 own cowardice. My question for-- really for the  
12 whole panel and also for Ms. Cohen-Cruz on behalf of  
13 those who are detained at Orange County is-- I  
14 appreciate your testimony already about the  
15 retaliation that those in Orange County have  
16 experienced for either engaging in the hunger strike  
17 or coming forward to raise urgent needs for medical  
18 attention. I just wanted to hear a bit more at  
19 Orange County about when complaints have been made,  
20 how frequent-- what is the nature of the retaliatory  
21 action, just to hear a bit more detail about that,  
22 and if possible, what has that effect been on those  
23 who want to come forward to make complaints in the  
24 future, too?

1  
2 ROSA COHEN-CRUZ: Again, I open and  
3 encourage anyone who has direct experience themselves  
4 to please answer this question, but I can share that  
5 what we hear form our-- from the folks we're working  
6 with on the inside, in particularly for folks who  
7 engaged in the hunger strike, was being placed in  
8 solitary confinement, disciplinary solitary  
9 confinement, and you heard some of that in the  
10 hearing, in the testimonies that I shared. You know,  
11 our people given disciplinary tickets for engaging in  
12 peaceful protests and exercising their right to  
13 protest, and they are then found guilty, pretty much  
14 summarily found guilty and put in solitary  
15 confinement, and any amount of time in solitary  
16 confinement is torture, and the fact that this is  
17 what they are being met with as a way to protest  
18 conditions in the jail is truly reprehensible. And  
19 dis-- many of them also lost access to their tablets,  
20 which is one of the only ways they can communicate  
21 with their family on the outside. So they were cut  
22 off from their emotional and familial support  
23 networks, and also as you heard, lost their  
24 commissary. So they weren't even able to, you know,  
25 afford the basic necessities they needed to protect

1  
2 their dignity while inside. So, really attacked on  
3 every level, and it's just clearly the jail does  
4 whatever they can to strip people, try to strip  
5 people of their humanity to push back and get them to  
6 not protest what is just absurd and horrific  
7 conditions inside.

8 COUNCIL MEMBER KRISHNAN: I'll leave this  
9 opportunity for the other panelists if they want to  
10 respond. One question that I'd also-- a follow-up  
11 question that I would raise to any of the panelists  
12 too and to Ms. Cohen-Cruz as well, is retaliation for  
13 expressing civil rights violations experienced is  
14 illegal. And so one question I have is would you say  
15 that these retaliatory acts against those who are  
16 complaining about civil rights abuses within Orange  
17 County Jail, that these retaliatory actions would  
18 have a chilling effect on those who are detained for  
19 coming forward for future civil rights violations as  
20 well.

21 SENATOR RAMOS: Absolutely, and I wonder  
22 if there's any opportunity to interpret any of these  
23 questions, because I do hope that those who are  
24 participating and our non-English speakers have an  
25 opportunity to answer as well, but yes, absolutely we

1 see a chilling effect, and you know, it is extremely  
2 beyond demoralizing. People are surviving and doing  
3 what they need to do to survive inside, and it is  
4 extremely horrific when they're met with this type of  
5 retaliation. It makes it very hard for people to  
6 want to speak up and push back, and it only goes-- it  
7 only speaks to the strength and the resilience of  
8 those who continue to exercise, you know, their  
9 freedom and continue to push back, that even met with  
10 these threats of abuse and violence and, you know,  
11 stripping of dignity, they still engage in protest  
12 together, so. But thank you for raising-- thank you  
13 for your question, Council Member.

14 COUNCIL MEMBER KRISHNAN: And Ms.  
15 [inaudible], just to give Mr. Cortes, too, and Ms.  
16 Quinatocte an opportunity to respond as well, would  
17 you mind please translating my question both in terms  
18 of what it-- a bit more detail about the instances of  
19 retaliation of those in the Orange County Jail who  
20 have been on hunger strike or raised questions about  
21 medical concern, as well as, is it having an effect  
22 on others who are detained from coming forward with  
23 complaints of civil rights violations?  
24

25 INTERPRETER: [speaking Spanish]

1  
2 FELIPE CORTES: [speaking Spanish]

3 INTERPRETER: [speaking Spanish]

4 FELIPE CORTES: [speaking Spanish]

5 INTERPRETER: Hi, this is the  
6 interpreter. I'm going to have to summarize  
7 [inaudible] length of his response. So, his response  
8 he says that yes, that it has had a chilling effect  
9 on future complaints and protests on himself and  
10 other people there. It's very normal. That they  
11 are-- the guards or the staff there control  
12 everything they do, like that they think, what they  
13 act, how they feel. So, it's a very traumatic  
14 experience experiencing that. Even when they had a  
15 visit from a-- I think it was it was Council Member  
16 [inaudible]. They were told that they should not  
17 answer certain questions. And one of the ways that  
18 they make fear is that when people arrive, they, the  
19 officials there record the conversations that people  
20 are having so that they real-- so that they feel that  
21 they can't express themselves, and it's a really  
22 traumatic experience what happened. It's something  
23 that really needs to change, and we feel [inaudible].

24 COUNCIL MEMBER KRISHNAN: Thank you so  
25 much for your testimony, Mr. Cortes. [speaking

1  
2 Spanish] And I just want to say, we are not-- as I  
3 said before, too, you're not alone in this fight.  
4 We're all here to raise awareness of these conditions  
5 and fight together to end immigrant detention in New  
6 York State. My final question, Ms. Cohen-Cruz, for  
7 you as an advocate, too, and thank you to all of you  
8 as the advocates who have brought these issues to  
9 public attention is: when it comes to-- we know, and  
10 the testimony today was so powerful about the  
11 necessity of mental healthcare and other healthcare  
12 services when detained, when incarcerated, and how--  
13 not only [inaudible] the act of being incarcerated,  
14 too, but then on top of that, because of the rising  
15 rate of COVID as well and individuals getting sick  
16 and how the two can really be so damaging, especially  
17 for individuals who have fled persecution in their  
18 countries from coming here in the first place. And so  
19 when these instances are raised for the necessity of  
20 mental health services to Orange County Jail, what  
21 has been the response of the jail?

22 ROSA COHEN-CRUZ: Well, first off, just  
23 thank you for that question as well, Council Member,  
24 and I will flag that their-- the NYIFUP providers,  
25 social workers will all be testifying a little later,

1  
2 so they will definitely get much deeper into the  
3 question, but as you heard the facility doesn't have  
4 therapy in Spanish, and you know, I just want to--  
5 one other pieces that you mentioned that I also  
6 wanted to flag is that in addition to people getting  
7 sick on the inside right now, a lot people are losing  
8 loved ones on the outside and have no supportive care  
9 outside of, you know, the work in connection with  
10 their legal cases that the social workers are able to  
11 do, so there's definitely a severe need for more  
12 mental health support for people who are inside and,  
13 you know, I look forward to the testify of the social  
14 workers in a little bit, because I think that they  
15 will really shine more light onto this system-- this  
16 need.

17 COUNCIL MEMBER KRISHNAN: Sure. Thank  
18 you. No further questions.

19 COMMITTEE COUNSEL: Thank you so much,  
20 Council Member. I'm not seeing any other Council  
21 Member questions at this time, so I'm going to turn  
22 it back to Chair Hanif.

23 CHAIRPERSON HANIF: Thank you so much and  
24 thank you Council Member Krishnan for your questions.  
25 I too look forward to hearing from the social workers



1  
2 and seeing the ways in which we can improve mental  
3 health services reaching those who are detained and  
4 those who are formerly detained as we heard Mercy  
5 articulate, just the lasting effects of the trauma  
6 and the pain and the abuse. And that these traumas  
7 will not be erased in just over a couple of sessions.  
8 These are going to last a lifetime, and we got to be  
9 committed to the wellness and the survival and the  
10 joy of our neighbors and New Yorkers. With that,  
11 I'll be standing this meeting at ease for five  
12 minutes. We'll be back in five minutes. We know we  
13 have several people on today to provide testimony,  
14 and we thank you and we'll hear from you all. Thank  
15 you all so much for your patience.

16 [break]

17 CHAIRPERSON HANIF: Hi all. We are ready  
18 to start up again.

19 COMMITTEE COUNSEL: Thank you, Chair.  
20 Okay, we're going to be reconvening with public  
21 testimony. I'm going to now be calling on our next  
22 panel for testimony in order. I'll be calling on  
23 Ismael Bien-Aime Nicolas, followed by Aburito [sp?],  
24 followed by Kiki Tapiero. Ismael, you may begin your  
25 testimony when you are ready.

1  
2 SERGEANT AT ARMS: Time starts now.

3 ISMAEL BIEN-AIME NICOLAS: Thank you so  
4 much for everybody for giving me this opportunity to  
5 submit my testimony. I am a French citizen  
6 currently, back in France since last week. I was  
7 detained for over four years in detention to Jersey  
8 and Batavia, New York. I have many concerns and many  
9 things I wanted to say concerning the lack of  
10 transparency by ICE concerning the pandemic coverage  
11 in Batavia and other facilities throughout the  
12 nation. But there's multiple hunger strike taken for  
13 the last four years concerning the lack of medical  
14 care, the lack of transparency, the abuse of this  
15 question [sic] by ICE and all the officers at  
16 facility. Also, the [inaudible] of COVID in New York  
17 State facilities are very alarming. I was previously  
18 in Batavia since last week. I contracted COVID  
19 because the MECO [sic] staff actually-- when a person  
20 tested positive for COVID never took the time to test  
21 everybody else in the unit to ensure that other  
22 people were not infected. So, you know, the COVID was  
23 spreading around all over the place. There's also  
24 medical neglect because I knew people who had  
25 suffered from colon cancer and other medical issues

1  
2 where they're required surgeries, and ICE really  
3 expected-- expedited the deportation back to the  
4 country. There's a few guys that I was there with  
5 who were sent back to cultures like El Salvador and  
6 Honduras who were killed upon arrival because of  
7 raising concerns about medical conditions, other  
8 condition, and human rights violation inside  
9 detention. I am actually-- been singled out and  
10 transferred back to my country because I raised a  
11 couple of issues since [sic] Jersey to New York from  
12 ICE. I provided a couple testimony where I highlight  
13 many human right violation and due process violation  
14 in detention. I would like to give a piece of advice  
15 for this panel to actually on passing that bill to  
16 ensure that they do not make the same mistake Jersey  
17 made on passing that bill, to end ICE detention in  
18 the state but also to protect people from being  
19 picked up and transferred out of state for detention,  
20 because New Yorkers should have this protection under  
21 those bills. Also, things like also marriage  
22 possibility inside detention in Batavia because  
23 people put--

24 SERGEANT AT ARMS: [interposing] Time  
25 expired.

1  
2 ISMAEL BIEN-AIME NICOLAS: I will provide  
3 another testimony, written testimony to the panel so  
4 you could have a better understanding of what is  
5 going on. Thank you so much for the time.

6 COMMITTEE COUNSEL: Thank you so much for  
7 your testimony. I'd like to now welcome Aribirto  
8 [sp?] to testify, Aribirto to testify, excuse me.  
9 You may begin when you are ready.

10 SERGEANT AT ARMS: Starts now.

11 KIKI TAPIERO: Hi, I'm the attorney for  
12 Aribirto and the next client, Mel Moises [sp?]. So  
13 I'll be reading the declaration on-- both the  
14 declaration and also supplemental testimony on behalf  
15 of them both. So first, Aribirto [sp?]. Part of the  
16 declaration is redacted, so just keep that in mind as  
17 I read it. "My name is Aribirto and I've been  
18 detained at Orange County Correctional Facility, OCCF  
19 since-- redacted. Before I arrived at OCCF I was  
20 detained at-- redacted. And the guards here are very  
21 bad. They will lock us in for any little thing. If  
22 you have a cup of water in the common area and an  
23 officer doesn't like it, they'll make you go lock  
24 into your room. They are racist. They will scream  
25 at us when they tell us to lock in, calling us

1  
2 immigrants, and in some cases the N-word. We get  
3 punished here with very long lock-ins. It's crazy.  
4 It's too much. When you're locked in, you only get  
5 out to bathe, get food, and that's it. In my case, I  
6 asked Officer Card for-- blank. I didn't have my ID  
7 card on me at the time. Officer Card told me to get  
8 my ID. I said, if I could just get the-- blank--  
9 then I would go get my ID. Officer Card got mad and  
10 said something like, I don't care. I don't want to  
11 see you today. Go back to your room. After that, I  
12 got punishment of being locked in for 14 days.  
13 Officer Card goes after us when he's in a bad mood.  
14 He won't let us turn on the television. The day I  
15 got in trouble, he locked in a lot of other people,  
16 too. He just seems to hate immigrants. Even when we  
17 are not being punished for the lock-in, we have to  
18 spend a lot of the day in our cells. Every day we are  
19 locked in our cells from 11:00 a.m. to 12:20 p.m.,  
20 2:30 p.m. to 3:45 p.m., 5:00 p.m. to 6:30 p.m., 10:30  
21 p.m. to 8:30 a.m. It doesn't make any sense. It has  
22 us all feeling segregated [sic]. The guards treat us  
23 like animals. If we are using the microwave, he will  
24 sometimes disconnect it so we can't use it. I have  
25 heard guards say things like, 'You don't have a

1  
2 microwave in your own house. You should be thanking  
3 us that you even get a microwave here.' If we want  
4 to change the channel on the TV, they won't give us  
5 the control. We have to wait for them. We have the  
6 tablets here and the guards will not let us use them  
7 randomly. Sometimes if we don't get up right at 8:30  
8 a.m., the guards won't give us our tablets. Almost  
9 every day I want to charge my tablet in the evening  
10 so I can use it until we have to turn the tables in  
11 at 10:00 p.m., but if I have to charge my tablet, the  
12 guards will say, 'If I take it now, I won't give it  
13 back to you at all.' This happens all the time to  
14 many people. When we ask for help the guards ignore  
15 us. There are buttons in our cells so that we can  
16 use to call the guards and they will speak to you  
17 through an intercom. My health is not good. I  
18 often-- blank. When I use the button to call the  
19 guards and asked them to call a doctor, they have  
20 told me that they were going to call the doctor, but  
21 then not done anything. Sometimes they don't respond  
22 to my calls at all. This is very dangerous. I am--  
23 blank-- and sometimes need-- blank." These are  
24 redacted. "I could die in my cell if the guards  
25 ignore my calls. We can't complain here. Everyone

1 here is panicked. Everyone here is terrified of  
2 being locked in. Nobody speaks out of fear.  
3 Complaining to a Sergeant is like talking to a wall.  
4 They don't care [inaudible]. The medical here is  
5 also very, very bad. I was never sick before I got  
6 here. I played soccer. I was healthy. I have never  
7 been to the hospital, but since I've gotten here I've  
8 been sick. I feel all this-- I feel bad all the  
9 time. I don't know what's wrong with me. The doctors  
10 don't explain anything to me. I've had my blood taken  
11 and they never seem to figure out what is wrong with  
12 me. I worry I will die here and the jail will be  
13 happy. I had to quarantine for-- redacted-- when I  
14 got back from-- redacted. I didn't feel well when I  
15 got back. I wasn't eating. During my quarantine  
16 Officer Bloys [sic] was on duty for three days. He's  
17 really bad. He treated me like an animal. I asked  
18 him for a little juice and he said to me, 'If you  
19 refuse food, you refuse everything. I don't want to  
20 give you shit.' Then for three days he was on shift  
21 and he didn't bring me any water or even take me out  
22 to bathe. I had to drink water from the toilet sink.  
23 The water is very bad and it's dark when it comes out  
24 of the faucet. I don't think it's supposed to be for  
25

1  
2 drinking. We have access to fresh water in the common  
3 area. Officer Bloys is just horrible. The doctors  
4 here think that they can solve everything with a  
5 pill. They want to just give you a pill so that  
6 you'll leave. Nothing is important to them. They'll  
7 talk to us like children, 'Are you going to take the  
8 pill or not?' they'll ask us. If we don't want to  
9 take a pill, we have to sign that we refused, and  
10 this can make us feel very pressured. It seems the  
11 doctors just want to take us-- want us to take the  
12 medicine but don't care if we're not getting better.  
13 The medical here-- the medical care here is slow.  
14 When we fill out a request, we get sent to the doctor  
15 three or four days later. The other day, I went to  
16 the doctor and my-- redacted-- was very high. They  
17 said they would call me back that day, and I didn't  
18 hear back. People here are afraid to say they feel  
19 sick, because even with COVID-- because with COVID,  
20 even if you're not feeling well, you can get locked  
21 in for 14 days. Everything here is just a  
22 quarantine. The food here is also bad. It's  
23 garbage. We get the same food every day. Nothing  
24 changes. They give us potatoes and pasta and some  
25 kind of meat I can't even identify. We're not



1  
2 allowed to share food. If we get a food tray and we  
3 don't want it, they'll make us throw it away. If we  
4 give our tray to someone else instead, we will get  
5 punished. We have to pay for everything here,  
6 stamps, phone calls, text messages. It's really  
7 difficult. Some of my family members have put down  
8 their cards for me and have been charged hundreds of  
9 dollars because the rates are so high. The pin for my  
10 tablet has been robbed, and I lost all of my  
11 commissary money and minutes each time. We ask the  
12 guards to change the pin. They won't do it right  
13 away. They take their time. [inaudible] just wants  
14 us to sign our deportation orders because we can't  
15 take the way they treat us. They treat us like  
16 criminals. They treat us like the worst people in  
17 the world. Even worse than that, I have been treated  
18 like a dog here. The life here is not for a human  
19 being." And then I also have recorded testimony from  
20 that client, supplemental to this declaration. It's  
21 going to be on 1.5 speed to make sure [inaudible] if  
22 you can't hear it, because I'm going to put it really  
23 close to the microphone.

24 AUDIO RECORDING: [inaudible] [speaking  
25 Spanish]

1  
2 KIKI TAPIERO: I'm [inaudible], "The  
3 worse era of my life has been here in Orange County  
4 and this has not been easy. We're all here fighting  
5 for better or for worse. I'm asking today that  
6 [inaudible] have more compassion for us immigrants  
7 because the treatment is very bad, not humanitarian  
8 at all. They detain us to tablets [sic] in our cells  
9 where family can visit. They [inaudible] don't even  
10 care about-- who care if they hit us or if they yell  
11 at us. While you're detained you don't have that  
12 privilege to defend yourself. You feel like you  
13 don't have a voice. This is happening to a lot of us  
14 immigrants and this has been so bad. So many  
15 offenses, so much discrimination and things happening  
16 against us. They treat us like the worst person in  
17 their life, and I'm a person of color, and they'll  
18 sometimes offend us based on our color. They yell at  
19 us that we are in their country, and this needs to  
20 change for the future, because we are fighters. We  
21 [inaudible] we're also fighters with family. We  
22 should not be in a situation like this. We want this  
23 to change. We want more clarity and transparency,  
24 more love. I know we're in jail, but we're not--  
25 we're-- but this is unjust. They forget that we're

1  
2 detained because they just pass us off to officials  
3 who don't treat us human-- like humans. Our family  
4 can't spend time with us. We can't defend ourselves  
5 or say anything because everything we say is behind  
6 closed doors while we're locked up. Please, for  
7 those after me, for those here now, I'm asking for a  
8 change. We're sick and we're dying. We're being  
9 treated so badly. We're human beings with family.  
10 We came to this country with hope and might have been  
11 at the wrong place at the wrong time sometimes, but  
12 we're not criminals. We're humans. If we were  
13 criminals, this would be a high-security criminal  
14 prison, at least basic human decency, but instead  
15 we're put in detention where we are treated badly.  
16 We're given the same food every day. Our family  
17 sometimes tries to give us food to help us get  
18 through this, but they don't accept it sometimes.  
19 It's a huge pressure every day just to survive and be  
20 in this country. We came with hope and that's why  
21 we're here. I'm asking to please have this change.  
22 Immigrants can make America great, but don't forget  
23 about the ones that are locked up. We're humans.  
24 Thank you and have a good day." And I'm going to  
25 read another declaration on behalf of a different

1 client Moises [sp?]. Also, this information has been  
2 redacted for his-- to preserve anonymity. "I have  
3 been detained at immigration and customs enforcement  
4 at Orange County Correctional Facility since--  
5 redacted. At OCCF, I'm in unit-- redacted. Before I  
6 was OCCF I was detained at Hudson County. In total I  
7 have been in ICE custody for six months. I wouldn't  
8 wish this experience on anyone. Very stressful. The  
9 officers here are racist. When we ask for more water  
10 or ask for request forms or anything, the officers  
11 use profanity. I saw one officer call someone an  
12 animal. When we ask for soap or a mop to clean our  
13 cell they use nasty words. They say that we are  
14 immigrants, but we don't deserve respect. The rules  
15 here are always illogical. They use them to control  
16 us. They don't let us use the tables for eating.  
17 You're not allowed to eat anything in the common room  
18 or else the guards give us tickets [inaudible]. When  
19 we don't have our ID badges on us, they will write us  
20 up. When they let us out to watch TV, we will  
21 usually want to watch the Spanish Language Channel,  
22 because most of us only speak Spanish. One of the  
23 officers, I can't remember his name, would always  
24 come over and turn down the volume or change the  
25

1  
2 channel on the Spanish TV. When we protested and  
3 told the Sergeant that we don't want this officer in  
4 our unit anymore, the officer retaliated against us  
5 and withheld the tablet that we use to talk to our  
6 family. When the officials were still not doing  
7 anything about it, a group of people decided to  
8 protest. They asked me to participate, but I decided  
9 not to. I was afraid. Any step out of line and  
10 there are consequences. They punish you for any  
11 disobedience. I don't want any charges on my record,  
12 because I wasn't sure how it would affect my  
13 immigration case. That day we were told to go back  
14 to our cells. There was a group that refused that  
15 wanted to speak to the Sergeant about this racist  
16 officer. I did not see what happened to the group,  
17 but I heard that one of them was beaten up and kicked  
18 in the knees and the shins. They disciplined that  
19 group and locked them in for five days. The officers  
20 also decided to lock in everyone else on the unit for  
21 the rest of the day. It didn't matter that we  
22 weren't involved. They lock us in whenever they  
23 want. We have to follow their rules, otherwise  
24 they'll write us up. The officers do not want us to  
25 practice our faith. This is discrimination. I am--

1 redacted-- and I'm used to praying-- redacted. Here  
2 we do not have private space to pray or hold  
3 religious service. One of the other people here told  
4 me that he had asked an ICE officer about this who  
5 told him that they were going to find us a special  
6 private room for religious service. They haven't  
7 done anything. We pray in the common area where  
8 everyone can see us, and there's a lot of noise. Not  
9 everyone is being respectful. We have [inaudible] to  
10 pray [sic] ourselves. They will not bring in--  
11 redacted. We are not accustomed to-- we are not  
12 accustomed to the food here. In my opinion, the food  
13 is poorly cooked. It is not appetizing and it is  
14 unsanitary. They are feeding us like animals. The  
15 pasta that they give us is sent back to the kitchen  
16 and then put back out the next day. They give us  
17 pasta every single day for lunch and dinner. We are  
18 given food that is already expired. Lunch is served  
19 at 11:00 a.m. and dinner at 5:00 p.m. Every day it  
20 is the same. Sometimes I have stomach pain and  
21 constipation. I have to drink a lot of water to  
22 flush the food out of my system. We have to eat the  
23 processed foods that we can buy from commissary to  
24 survive. The only way we can heat our food is by  
25

1  
2 microwave which caused the illnesses. It is not  
3 recommended to use the microwave all the time. There  
4 are 40 of us, and we are only given one microwave for  
5 all of us to heat up our food. It is not enough. At  
6 Hudson there are at least two microwaves. Even that  
7 wasn't sufficient, but at least there were two.  
8 Sometimes the officers just disconnect the microwave  
9 even when there is a line to heat up the food. The  
10 shower water is so hot that it makes our hair fall  
11 out and dries up our skin. The scalding hot water  
12 causes illnesses, including fungal diseases in our  
13 feet. Once we did not have water and we could not  
14 use the bathrooms. The air in here dries our  
15 throats. There are also dust particles in the air.  
16 When we take off our clothes we see the dust coated  
17 all over our body and clothes. It gets in our skin.  
18 Sometimes the air conditioning is on very high and it  
19 gets very cold. We are not allowed to wear our  
20 sweaters to keep us warm. Many people here are over  
21 the age of 60. They are so cold that they're  
22 shivering. When we arrived here we were only given a  
23 single set of clothing. We repeatedly asked for  
24 another set. There's water on the floor which gets  
25 slippery and we often slip and are about to fall. We

1  
2 hardly see the outside. We need the sun to touch us,  
3 because each one of us needs solar vitamins. There  
4 was a patio outside where we used to play football.  
5 Since it's so cold we can't play, so we have to play  
6 inside. Some officers say yes. Some say no. It  
7 depends on the officer. There are many people here  
8 who are sick and who need medicine or medical  
9 attention. People leave forms with the officers but  
10 they are either ignoring the requests or ripping them  
11 up. There was one guy whose eyes were totally red.  
12 He couldn't see very well. He asked several times to  
13 see the doctor, but they ignored him. They are still  
14 ignoring him. Another person was experiencing pain in  
15 his foot and still hasn't seen a doctor in two or  
16 three months. The staff does not pay attention to  
17 them when they ask for their medication. The guards  
18 ignore people who have heart troubles because of the  
19 pressure of this place. They don't care about the  
20 injustice. When we arrived, we were locked up in  
21 solitary for 14 days of quarantine, despite not  
22 having any COVID symptoms. In this 14 period-- 14  
23 day period of medical solitary, the guards did not  
24 let us talk to anyone. I experienced anxiety and  
25 depression during this time. Thank God I am out of



1 this quarantine, but now I'm in another area of the  
2 facility where the guards lock us up five times a  
3 day. The jail has no idea how to manage the COVID  
4 situation. Just a few days ago there was three  
5 people sick with COVID. They were all quarantined in  
6 the same unit as us. It wasn't any different than  
7 normal. They could infect us. It didn't make sense  
8 because they don't care about us. If people have  
9 COVID, they should not be in the same living space as  
10 people who are healthy. They're supposed to have  
11 another location where people with COVID can stay,  
12 but the jail doesn't care. I had 15 days without  
13 communication. The guards did not want to help me  
14 with the phone. I could not make phone calls to find  
15 a lawyer or locate my family. Everything is a  
16 business for them. We have to pay money to make  
17 calls for our family. Right now I don't have the  
18 money to call my family so I only have a few minutes  
19 to speak with them every week. There's injustice  
20 against immigrants in this detention center for no  
21 reason. All this has been very difficult for me.  
22 All we ask is that is to be free from this place to  
23 be with our families who need us. My son just  
24 started university. He needs his dad's support. I'm  
25

1  
2 a human being and I deserve an opportunity to be with  
3 [inaudible]." [inaudible] I was also told that the  
4 last recording was really hard to hear, so I won't  
5 submit the recording for this one, and it's in  
6 support of the same declaration I just read. And  
7 that's it for me.

8 COMMITTEE COUNSEL: Thank you so much  
9 Kiki. I'm going to turn it briefly to Chair Hanif  
10 for any questions or comments.

11 CHAIRPERSON HANIF: Thank you so much. I  
12 want to thank the panelist for your testimony. I'm  
13 appalled. I am in shock, just shocked by all of what  
14 you've laid out around food insecurity, around the  
15 hot showers to the freezing cold temperatures. The  
16 facility exists to kill our undocumented neighbors,  
17 and that is what I'm hearing over and over, and I  
18 will be doing everything in my power to make sure  
19 that OCJ doesn't get away with this. I want to keep  
20 us moving along, but I had one question for Ismael  
21 who I know couldn't finish up his testimony and will  
22 provide written testimony. Could you elaborate a bit  
23 more on what you were talking about in terms of the  
24 transfers across states, if you're still here?

1  
2 : Sorry, are you asking me? I saw you  
3 asked me to unmute?

4 CHAIRPERSON HANIF: I was asking Ismael,  
5 but I'm not sure if he's on anymore, but if you feel  
6 up to it, would love to hear a little bit more about  
7 the transfers.

8 COMMITTEE COUNSEL: Chair, Ismael has  
9 logged off, so--

10 CHAIRPERSON HANIF: [interposing] Okay.

11 COMMITTEE COUNSEL: Go to Kiki.

12 KIKI TAPIERO: Sure, so for these two  
13 clients specifically, they were previously at Hudson  
14 County which has been closed and we asked for their  
15 release instead of transferring them to another  
16 facility, and after still submitting the release  
17 request, they were transferred to OCJ instead of  
18 being released.

19 CHAIRPERSON HANIF: Okay, got it.

20 KIKI TAPIERO: That was in October, I  
21 believe, of last year.

22 CHAIRPERSON HANIF: Okay, thank you for  
23 that. No more questions for this panel.

24 COMMITTEE COUNSEL: Thank you so much,  
25 Chair, and thank you to this panel for their

1  
2 testimony. We're now going to be moving onto our  
3 next public panel. In order I will be calling on  
4 Benjamin, followed by Felix, followed by Cristian,  
5 followed by Ernesto, followed by Amy Joseph, followed  
6 by Efrain Rodriguez Gonzalez, followed by Madison  
7 Koenig. I'll begin by welcoming Benjamin. You may  
8 begin your testimony when you're ready.

9 SERGEANT AT ARMS: Time.

10 JESSICA COFFRIN-ST. JULIEN: Hi, good  
11 afternoon. My name is Jessica Coffrin-St. Julien  
12 [sp?]. I am presenting this testimony on behalf of  
13 Benjamin, which is a student [inaudible] currently  
14 detained at OCJ. So, "My name is Benjamin. I've  
15 been detained at OCCF since-- redacted. The officers  
16 at OCCF seem to have a racial hatred for Hispanic  
17 people. They don't like when we speak in Spanish.  
18 They will take away benefits we have, like not giving  
19 us our tablets at the usual time, or cutting our  
20 recreation time by a half hour or an hour. They will  
21 search our cells for no reason. They will lock us  
22 into our cells without any cause. They won't let us  
23 change the channel on the TV or will change the  
24 volume and won't let us change it back. I'm not sure  
25 of the names of the officers, but there are a couple

1 of officers who are especially bad. On January 1<sup>st</sup>,  
2 2022, we had a problem here when we tried to speak  
3 out against an officer who was very racist against us  
4 and treated us badly. Around a week or so before  
5 this we had submitted a signed written complaint  
6 about this officer and we wanted to take more steps  
7 because nothing had changed. We decided to do a  
8 hunger strike to try to get the attention of a  
9 Sergeant so we could explain the problems we were  
10 having with this officer. We didn't leave for lunch  
11 that day. After, we asked the officer on duty to  
12 speak with the Sergeant. The officer said something  
13 like we weren't paying attention to him and that we  
14 were being disrespectful and he called for other  
15 officers. A big group of officers came, maybe 15 or  
16 20 of them. They came in very violent and  
17 aggressive, yelling insults, trying to push us,  
18 telling us we had to go to our cells. It was very  
19 chaotic. We just wanted to speak with them and  
20 explain our grievance. The officers starting hitting  
21 one of us men. They jumped on top of him and were  
22 hitting and hitting him. They sprayed some kind of  
23 gas in his face. Afterward, they took him away. We  
24 didn't see him for a long while after that. He just  
25

1  
2 recently returned. After the incident, I was locked  
3 in for five days of punishment, just because they  
4 didn't want to pay attention to our grievances. This  
5 made me feel like a criminal. I'm here because of my  
6 immigration situation. On the fourth day of my  
7 punishment, they took me to something like a court in  
8 the jail where they read charges against me. The  
9 jail officials told me I violated the laws of the  
10 jail. I said I was not guilty, but the jail found me  
11 guilty anyway. They told me not to tell anyone about  
12 what happened, not even my lawyer. I don't know why  
13 they told me that. Maybe because they already have a  
14 lot of complaints against the jail. I didn't want to  
15 say anything to my lawyer, but later I did decide to  
16 tell her, because I didn't want to hold this  
17 information alone. COVID is a problem at OCCF.  
18 Recently I heard there were people with COVID in the  
19 building, at least three. When they had video calls,  
20 the rest of us had to lock in. I don't think this is  
21 fair. These people should be somewhere else so that  
22 they can be safe and so that the rest of us can be  
23 safe. In general, the medical care here is bad. You  
24 have to fill out papers so they will see you, but  
25 it's hard to get a response. I have pain that really

1  
2 bothers me. I've been asking for help for over a  
3 week and haven't heard anything. I feel really bad.  
4 Many of the men have complaints like this."

5 SERGEANT AT ARMS: Time expired.

6 JESSICA COFFRIN-ST. JULIEN: And I'm done  
7 reading Benjamin's testimony. Thank you.

8 COMMITTEE COUNSEL: Thank you for your  
9 testimony. I'd like to now turn to Felix. You may  
10 begin when you are ready.

11 SERGEANT AT ARMS: Time.

12 YASI: Hi, my name is Yasi [sp?], and  
13 I'll be reading testimony from someone detained at  
14 Orange County who's using the pseudonym of Felix.  
15 "My name is Felix. Since I arrived at OCCF I have  
16 felt discriminated against. When I first got here  
17 and was in medical quarantine, there was a guard,  
18 Officer Bloys [sp?] who made us feel really bad  
19 during the times we'd line up to get food. He would  
20 stand very far away from us and make a line of chairs  
21 to keep us far away from him. He would yell at us if  
22 we got near him. It made me feel really bad. That's  
23 no way to treat a human being. Recently, a guard was  
24 racist to me for speaking Spanish. I had to leave  
25 the unit and I had forgotten my mask. So I asked the

1 nurse who speaks Spanish if I could please have a  
2 mask. I prefer to speak Spanish. My English is not  
3 good. It embarrasses me to speak in English  
4 sometimes. This guard says to me, 'We speak English  
5 here.' I said she speaks Spanish. And he said to me,  
6 'I don't speak Spanish. We don't speak Spanish  
7 here.' I wasn't even talking to him. There was also  
8 an incident around the beginning of January. At the  
9 end of the day an officer got very angry over a  
10 misunderstanding and called over a Sergeant and a  
11 bunch of other officers. The officers were being  
12 really aggressive and threatening with us. The  
13 Sergeant yelled out something like, 'Why don't you  
14 all go back to your country.' Or something like that  
15 to all of us. It was terrible. I have also seen and  
16 heard about the guards getting violent and hitting  
17 people. On the night of February 5<sup>th</sup>, 2022, Officer  
18 Bloys came with the nurse who dispenses our medicines  
19 our medicine at night. He was standing in the  
20 doorway with the nurse. In general, Officer Bloys  
21 treats us really bad. He's very disrespectful. He's  
22 had a lot of problems with one of the guys here, L,  
23 and always seems to pick on him. L saw Officer Bloys  
24 and got upset. He said he didn't want to see Officer  
25



1  
2 Bloys and that he needed to get his medicine, but  
3 Officer Bloys stayed where he was. L asked the on-  
4 duty guard for Officer Bloys to go away, but Officer  
5 Bloys started saying stuff to him, things like shut  
6 up, get away. L threw a water bottle to the floor in  
7 frustration. Officer Bloys called over reinforcement  
8 and several other officers came over. They yelled at  
9 all of us to lock in, and they threw L to the ground  
10 and started hitting him. One of them put his knee on  
11 L's neck. He was quiet. He didn't fight back or  
12 resist. We were all yelling at the officers to stop,  
13 but they just kept hitting him anyway. Then they  
14 handcuffed him. They took video after with a digital  
15 video camera, not of when they were hitting him, just  
16 once they were taking him away. It's not right. It  
17 seems like Officer Bloys just came to provoke him. I  
18 also heard that a guy in another unit was beat up by  
19 the guards back in January. He briefly came to stay  
20 in our unit. I heard the same officer was involved.  
21 He has problems with everyone. The men in the unit  
22 were protesting against this officer so a Sergeant  
23 would come. The officer called reinforcement, and  
24 then this guy got assaulted. When he came to our  
25 unit he was all beaten. The psychological

1 environment here is bad. You close yourself off.  
2 You don't take care of yourself. One thing that  
3 happens here is that on certain days each week,  
4 people get picked up to be deported. The guards take  
5 them out of their cells. I've seen two people"--

7 SERGEANT AT ARMS: [interposing] Time  
8 expired.

9 YASI: Is it okay for me to continue?  
10 I'm almost done.

11 CHAIRPERSON HANIF: Could you take 20, 30  
12 seconds?

13 YASI: Sure. I don't even like to look  
14 at the other officers name tags here for security  
15 reasons. The guards are very tight with each other.  
16 Nothing is hidden here. I don't want to say anything  
17 for fear it could get around and they will target me.  
18 I know I'm vulnerable. We are all vulnerable here.  
19 We are in the guard's hands. They can do anything  
20 they want to us. Many people have bad experiences,  
21 but don't speak out, out of fear. I think ICE in the  
22 jail wants to wait until our appeals are over and  
23 deport us, but we need to be released. We want to  
24 fight. We want an opportunity. There are families  
25 who need us. In my case, I have a [redacted] who

1  
2 depends on me. I have brothers here. My whole family  
3 is here. They people who run this jail have dark  
4 hearts. Thank you."

5 COMMITTEE COUNSEL: Thank you so much for  
6 your testimony. I'd like to now welcome Cristian to  
7 testify. You may begin when you are ready.

8 SERGEANT AT ARMS: Time.

9 TROY HUGO SWARNIA: Thank you. My name  
10 is Troy Hugo Swarnia. I'm testifying on behalf of  
11 Cristian who is someone who is currently detained at  
12 Orange County. "My name is Cristian. The situation  
13 at the jail right now is really intense. There have  
14 been some guards who have been treated-- treated us  
15 really badly. One of them is officer Bloys badge  
16 number 366. He is racist, insulting, and  
17 threatening, especially to Spanish and black people  
18 here. He's often late to let us out of our cells  
19 into the common area, and is early to walk us back  
20 in, even though he knows how hard it is for us to be  
21 in our cells. He cuts down our time to talk to our  
22 families on our tablets and takes away our  
23 privileges. The worst is that he makes racist  
24 comments all the time. He talks about how dark  
25 people's skin is, and whether that means they're

1 African or not. He says that Africans have a certain  
2 kind of smell. He says if your Spanish other people  
3 should watch out because you probably have a machete.  
4 One day before the Christmas holidays he announced  
5 that commissary requests were due early and told the  
6 Spanish-speaking in our unit, 'You know who you are.  
7 You should get your rice and beans.' Officer Cardi  
8 [sp?] badge number 523, Officer Arladatta [sp?] badge  
9 number 551, and Sergeant Figueroa are also hostile  
10 towards us. They're always cutting our time outside  
11 of our cells and looking for reasons to lock us in.  
12 No one listens to our grievances. We have to write  
13 our complaints on whatever paper we can find, because  
14 the guards refuse to give us grievance slips. When  
15 we try to make a grievance, they won't' give us the  
16 grievance slips. They'll just tell us, 'Just come  
17 talk to us. We'll take care of it right away.' But  
18 when we talk to them, they don't address our  
19 problems. We think they just don't want our  
20 complaints on record. We have written to them with  
21 complaints and petitions on paper, and we don't know  
22 what they've done with the paper we've sent them.  
23 The worst incident happened recently. On Christmas  
24 Eve, December 24<sup>th</sup>, 2021, Officer Bloys came into the  
25

1  
2 unit when many people were watching a television  
3 program in Spanish. Without saying anything, he  
4 changed the channel to some cartoons in English and  
5 turned up the volume really loud. He did the same  
6 thing Christmas day. We got upset, but we didn't say  
7 anything because we didn't want trouble, but then he  
8 came in and did it again on New Year's Day, January  
9 1<sup>st</sup>, 2022. We are watching something in Spanish and  
10 he changed the channel to an English talk show and  
11 turned it up really loud. We'd already written a  
12 complaint about him, and we're frustrated that no one  
13 was doing anything to stop him from treating us this  
14 way. When he took his shift break on January 1,  
15 another officer came in and brought us lunch. Most  
16 of the people in the unit decided to refuse to eat.  
17 We agreed that we're not going to eat until we get  
18 our voices heard. When Officer Bloys got back from  
19 break, he was really angry. He said, 'I know what  
20 you're doing. This is my house.' He ordered us to  
21 lock in and we refused, saying he wanted to talk to a  
22 Sergeant. He started cursing and yelling at us,  
23 calling us motherfuckers. We kept calm and kept  
24 saying call the Sergeant. We wanted to talk to a  
25 Sergeant about our complaints and the written

1  
2 petition we had filed. Instead of sending a sergeant  
3 to speak with us, a swarm of officers came in. it was  
4 one guy who was standing off to the side when this  
5 was happening. One of the officers grabbed for him,  
6 and then a bunch of officers tackled, kicked, and"--

7 SERGEANT AT ARMS: [interposing] Time.

8 TROY HUGO SWARNIA: May I continue for  
9 about half a minute?

10 CHAIRPERSON HANIF: Go for it.

11 TROY HUGO SWARNIA: "He was yelling for  
12 help. It's not right what they did to the guy. I saw  
13 his face was swollen and red. He was out of the unit  
14 for a long time. We all got disciplinary hearings  
15 for refusing to lock in, but no one has talked to us  
16 about our complaints or Officer Bloys' behavior.  
17 There is more I could share about what's happened,  
18 but I'm afraid if I say too much the guards will know  
19 that I am saying these things and will make my life  
20 even more difficult here. A lot of people are afraid  
21 to speak out. I hope some change will come. It's  
22 not right that we're treated this way." The  
23 remainder of Cristian's testimony has been submitted  
24 in writing in its complete form. Thank you.

1  
2 COMMITTEE COUNSEL: Thank you so much for  
3 your testimony. I'd like to now welcome Ernesto to  
4 testify. You may begin when you're ready.

5 SERGEANT AT ARMS: Time starts now.

6 HELEN AVERY CAMPBELL: My name is Helen  
7 Avery Campbell. I'm reading the testimony of Ernesto,  
8 pseudonym for a man detained at Orange County.  
9 Ernesto testifies to his name, the length of his  
10 detention at OCCF. He continues, "Here the people  
11 who are charged with watching over us insult us.  
12 They tell us we don't have rights. They call us  
13 criminals, even though we are not in criminal  
14 custody. The truth is we are nearly accustomed to  
15 the horrible way they treat us. It's normal. It's  
16 what they do every day. There are two officers in  
17 particular who treat us badly. One is named Sergeant  
18 Figueroa, and the other name is Cardi [sp?]. When  
19 those two are on duty together, it's like hell. They  
20 will turn off the microwave and vending machines so  
21 we can't use it, even though they are supposed to  
22 there for us to use. There is a machine in the  
23 dining area to heat water, and they will disconnect  
24 that too. They try to make life impossible for us.  
25 Officer Cardi, in particular, is always angry. He's

1  
2 always picking fights with people. I once heard him  
3 say in Spanish while he was arguing with someone that  
4 used to be in the military and that he would make us  
5 suffer like he made people suffer when he was in the  
6 Army. A group of four or five people tried to talk to  
7 Sergeant Figueroa about him, but Sergeant Figueroa  
8 just told us that we were the problem not Officer  
9 Cardi. Once Officer Cardi locked me into my cell for  
10 [redacted] just because [redacted]. I don't think the  
11 jails gives a formal write-up for something like  
12 that, but these officers give punishments like this  
13 if they're in a bad mood. They will send you to your  
14 room and lock you in for no reason, for little things  
15 like getting water or using the vending machine.  
16 There is also a Captain, I'm not sure of his name,  
17 who is really aggressive in his searches of our  
18 rooms. He will throw our food, mattresses,  
19 commissary items, and clothes on the floor. If we  
20 have things on our tables, he will throw those things  
21 on the floor as well. This has happened to me maybe  
22 [redacted]. It seems like he does this just to  
23 bother us and make us feel bad. I have heard this  
24 Captain says things in Spanish like, 'This is my damn  
25 jail, and if you don't like my rules, go back to your



1 countries.' I have heard another Sergeant say things  
2 like that, too. I am not sure what this Sergeant is  
3 called, because he wears a long-sleeve shirt that  
4 doesn't show his name. This seems to be the new  
5 style of some of the officers at the jail. The worst  
6 officers seem to be trying to hide their names. The  
7 officers have even gotten physical with us before.  
8 Sometime around the beginning of the year we had an  
9 incident that was really ugly. Here we have access  
10 to tablets that we can use to make calls from 8:30  
11 a.m. on. We have to turn them in at 10:00 p.m. That  
12 night there was an officer-- I'm not sure of his  
13 name-- who made a mistake in his counts. He thought  
14 he was missing a tablet. The officer got really mad  
15 because of the supposedly missing tablet. Around  
16 10:00 p.m. he called over more officers. Around 30  
17 officers came in, even a Sergeant. They were  
18 screaming at us, pushing us, and forcing us into our  
19 cells. They told us we had to get into our rooms and  
20 lock in. they took away our last half hour of  
21 recreation time. The Sergeant, I don't know his name  
22 for sure, yelled really loudly in English something  
23 like, if we didn't like being treated this way, we  
24 should go back to our countries."

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SERGEANT AT ARMS: Time.

HELEN AVERY CAMPBELL: Requesting an additional 30 seconds.

CHAIRPERSON HANIF: Go for it.

HELEN AVERY CAMPBELL: thank you. That same night, we realized the whole thing had been a mistake. We could hear the officer chatting with the Sergeant from our cells, and the officer explained that there had been an error, that all the tablets were there. The officers never said sorry or anything. A little while after that came to stay in our unit. He came all beaten up, and we heard that he had been assaulted by the officers in his unit. It's impossible to make complaints here. There's one person in particular here, a man named [redacted] who is Mexican, who has made a lot of complaints and the guards treat him really bad. They lock him in for nothing. Also some people have tried to mail complaints from the mailbox in the jail, but they have not gotten anything back. We are not even sure if the mail is getting sent. We do not trust the jail or the officers to handle our mail. If we say we have a complaint, the jail staff tells us there is no point in pursuing it. For example, the officers

1  
2 frequently check our rooms to make sure they are  
3 clean. Mine was checked just yesterday and again  
4 today, but the officers get angry if we ask for  
5 cleaning supplies or other basic hygiene supplies  
6 like soap, toilet paper, and toothpaste. One time I  
7 heard Officer Cardi say to someone asking for soap,  
8 'Why don't you just buy it in a commissary.' If we  
9 say this isn't fair or that we want to complain, the  
10 Sergeants will say it's their word against ours, so  
11 there's no point. If we complain about anything,  
12 they'll find a way to make problems look like our  
13 fault. I have heard this many times. For my part, I'm  
14 scared of getting in trouble, so I keep myself clean  
15 with whatever supplies I can find myself. I will use  
16 a dirty shirt to clean the floor if I have to." The  
17 rest of Ernesto's statement has been submitted in  
18 writing.

19 COMMITTEE COUNSEL: Thank you so much for  
20 your testimony. I'd like to now welcome Amy Joseph to  
21 testify. You may begin when you are ready.

22 SERGEANT AT ARMS: Time starts now.

23 AMY JOSEPH: I am providing testimony  
24 about a client who has competency concerns and mental  
25 health concerns. SD has spent more than seven months

1 detained by ICE, preceded by more than half a year at  
2 Rikers without the necessary services to address his  
3 cognitive impairment and mental health symptoms  
4 become more autonomous and process immensely  
5 traumatic moments of his life, which is the death of  
6 his mother, his care person, and his father who  
7 passed away shortly before his mother. At competency  
8 hearing, SD was forced to appear via video conference  
9 even though his counsel had flagged to the court that  
10 the court would not be able to adequately evaluate  
11 his competency if SD was not physically at the  
12 hearing. At the hearing, SD was deemed not competent  
13 to participate in his own proceedings without  
14 safeguards, but even still, both ICE and the judge  
15 insisted that he remain in proceedings, stating on  
16 the one hand that his mental health symptoms and  
17 therefore his competency concerns were adequately  
18 addressed by medications and safeguards, but on the  
19 other end they said it to his criminal record which  
20 arose during times when SD did not have steady access  
21 to medication to justify continuing his removal  
22 proceedings. They did so even after learning that SD  
23 had maintained a spotless disciplinary record at  
24 Orange County Jail for six months while on  
25

1 medication. Additionally, the Immigration Judge  
2 refused to allow SD to appear in person at his future  
3 hearings, citing safety concerns around SD's mental  
4 health conditions. This again placed SD in the  
5 catch-22 of having his mental health diagnoses both  
6 compromise his ability to participate in his  
7 proceedings and restrict his right to protections  
8 that could mitigate the effects of his diagnoses.  
9 Furthermore, although the Immigration Judge pressured  
10 other parties to remove their masks during the  
11 hearing, the judge also referenced COVID concerns in  
12 refusing SD's request to appear in-person at future  
13 hearings. At this time, SD continues to deteriorate  
14 in detention where he suffers from auditory  
15 hallucinations of his deceased mother and others, all  
16 while unable to maintain a steady understanding of  
17 the legal case ICE has brought against him. Thank  
18 you.

19  
20 COMMITTEE COUNSEL: Thank you so much for  
21 your testimony. I'd like to now welcome Efrain  
22 Rodriguez Gonzalez to testify. You may begin when  
23 you are ready.

24 SERGEANT AT ARMS: Time starts now.

25

2 EFRAIN RODRIGUEZ GONZALEZ: [speaking  
3 Spanish]

4 COMMITTEE COUNSEL: One moment. Sorry.

5 INTERPRETER: This is the interpreter. I  
6 will ask the witness to give him some instructions on  
7 how to do the interpretation. Okay?

8 COMMITTEE COUNSEL: Thank you.

9 INTERPRETER: [speaking Spanish]

10 EFRAIN RODRIGUEZ GONZALEZ: [speaking  
11 Spanish]

12 INTERPRETER: [speaking Spanish]

13 EFRAIN RODRIGUEZ GONZALEZ: Hudson County  
14 in New Jersey.

15 INTERPRETER: My name is Efrain Rodriguez  
16 Gonzalez. I am a resident of Corona, Queens, and I  
17 was in custody of Hudson County in New Jersey.

18 EFRAIN RODRIGUEZ GONZALEZ: [speaking  
19 Spanish]

20 INTERPRETER: While this place no longer  
21 has detainees of ICE, I would like to give my  
22 testimony so that this location and others can be  
23 closed.

24 EFRAIN RODRIGUEZ GONZALEZ: [speaking  
25 Spanish]

1  
2 INTERPRETER: Unfortunately, many people  
3 all over this country who are sick, however, they  
4 arrive to experience the consequences with  
5 immigration and their authorities.

6 EFRAIN RODRIGUEZ GONZALEZ: [speaking  
7 Spanish]

8 INTERPRETER: My case happened in 2020  
9 leaving my home around 8:00 a.m. where 10 agents  
10 arrived armed and they took me over into Hudson  
11 County.

12 EFRAIN RODRIGUEZ GONZALEZ: [speaking  
13 Spanish]

14 INTERPRETER: [speaking Spanish]

15 EFRAIN RODRIGUEZ GONZALEZ: [speaking  
16 Spanish]

17 INTERPRETER: On that day, 10 people were  
18 taken to Hudson County including two women. We were  
19 brought into a room with over 30 people, and the age  
20 range was between 18 and 68 years old.

21 EFRAIN RODRIGUEZ GONZALEZ: [speaking  
22 Spanish]

23 INTERPRETER: They assigned us our beds  
24 and only gave us one sheet. They talked to us  
25 offensively, in an attempt-- and that night to not

1  
2 let us sleep. This occurred during the incident of  
3 COVID.

4 EFRAIN RODRIGUEZ GONZALEZ: [speaking  
5 Spanish]

6 INTERPRETER: Afterwards, they took us to  
7 our cells with air conditioning with extremely low  
8 temperatures.

9 EFRAIN RODRIGUEZ GONZALEZ: [speaking  
10 Spanish]

11 INTERPRETER: This period we lost all  
12 privacy. We had to use the urinal or the bathroom in  
13 front of our cell mate. The food was cold, rotten  
14 and sometimes inedible.

15 EFRAIN RODRIGUEZ GONZALEZ: [speaking  
16 Spanish]

17 INTERPRETER: [speaking Spanish]

18 EFRAIN RODRIGUEZ GONZALEZ: [speaking  
19 Spanish]

20 INTERPRETER: Being incarcerated, at one  
21 point our water was restricted, especially that of  
22 the toilet. This day we were restricted to 30  
23 minutes. This happens for a year until we initiated  
24 our first hunger strike.



1  
2 EFRAIN RODRIGUEZ GONZALEZ: [speaking  
3 Spanish]

4 INTERPRETER: It's true while we were in  
5 detention, we shouldn't be treated like that by the  
6 agents of ICE. [speaking Spanish]

7 EFRAIN RODRIGUEZ GONZALEZ: [speaking  
8 Spanish]

9 INTERPRETER: Instead of being heard,  
10 they took us to our cells for punishment.

11 EFRAIN RODRIGUEZ GONZALEZ: [speaking  
12 Spanish]

13 INTERPRETER: The cells are called boxes.  
14 It's the same size of the regular cell, except for  
15 some differences. There are no sheets. The air  
16 conditioner is turned up extremely high and it's  
17 extremely cold, and there's no drinkable water.

18 EFRAIN RODRIGUEZ GONZALEZ: [speaking  
19 Spanish]

20 INTERPRETER: [speaking Spanish] During  
21 that time I was screamed at and pressured, as well as  
22 watching how other officials hit detainee.

23 EFRAIN RODRIGUEZ GONZALEZ: [speaking  
24 Spanish]

1  
2 INTERPRETER: One of the biggest problems  
3 with the issues with the medical [inaudible] I lived  
4 with different detainees who have asthma, eyeball  
5 pressure, and problems with high sugar, an cardiac  
6 problems.

7 EFRAIN RODRIGUEZ GONZALEZ: [speaking  
8 Spanish]

9 INTERPRETER: And in some incidents I had  
10 cell mates that had attacks of epilepsy where they  
11 fell down, hit the floor, or had a lesion, or injury  
12 caused by the [inaudible].

13 EFRAIN RODRIGUEZ GONZALEZ: [speaking  
14 Spanish]

15 INTERPRETER: It was very indignant the  
16 actions of the guards who instead of helping them,  
17 they preferred to handcuff them by their hands and  
18 feet in spite of seeing them bleeding.

19 EFRAIN RODRIGUEZ GONZALEZ: [speaking  
20 Spanish]

21 INTERPRETER: One of the most important  
22 points is the issue of mental health and this is  
23 affected by the treatment of the guards, or the  
24 members of the facility, and the guards' devices  
25 [sic].

1  
2 EFRAIN RODRIGUEZ GONZALEZ: [speaking  
3 Spanish]

4 INTERPRETER: The agents of ICE would  
5 arrive and make threats to force us to sign documents  
6 that we can read later. Found out that they were  
7 documents to authorize our--

8 EFRAIN RODRIGUEZ GONZALEZ: [interposing]  
9 Deportation.

10 CHAIRPERSON HANIF: I'm sorry to  
11 interrupt here. This is Chair Hanif. Efrain, if you  
12 could just wrap up your testimony. We will be  
13 reading every testimony provided to us. I want to  
14 make sure that you know that what you're sharing is  
15 value to us, and what you've experienced is  
16 absolutely important for us to know as we hold the  
17 facility accountable. But we have many people left  
18 to testify this afternoon, and I want to make sure  
19 that everyone is here to testify. Thank you.

20 INTERPRETER: I'm going to translate if I  
21 may?

22 CHAIRPERSON HANIF: Please, yes.

23 INTERPRETER: [speaking Spanish]

24 EFRAIN RODRIGUEZ GONZALEZ: [speaking  
25 Spanish]

1  
2 INTERPRETER: I will conclude for this  
3 reason that the jails that are holding immigrants,  
4 especially in New York should be closed so that they  
5 may be reunited with their families.

6 COMMITTEE COUNSEL: Thank you so much for  
7 your testimony.

8 EFRAIN RODRIGUEZ GONZALEZ: [speaking  
9 Spanish]

10 COMMITTEE COUNSEL: I'd like to now  
11 welcome Madison Koenig [sp?] to testify. You may  
12 begin when you are ready.

13 MADISON KOENIG: Good afternoon. My name  
14 is Madison. I am a Law Graduate at the Legal Aid  
15 Society of New York. I will be sharing testimony  
16 from a client currently detained at Orange County  
17 Jail who wishes to remain anonymous. "When I first  
18 arrived at Orange County Jail at the end of December  
19 I was put into quarantine for two weeks. During that  
20 time I was in my cell all day with only short breaks  
21 to use the restroom. When I did get meals it was  
22 never enough food. A typical meal would be a bit of  
23 pasta, some crackers, and a slice of bread. The only  
24 vegetable we ever got was string beans. Sometimes  
25 there would be a little meat with the pasta, but that

1 was it. We never received fruit. My biggest issue  
2 in quarantine was having enough water. We had a  
3 little cup that we could fill during meal times.  
4 We'd ask the officers to let us get more water during  
5 the day, but they wouldn't answer. They wouldn't say  
6 no, they would just ignore us no matter how often we  
7 asked. I was sent to a doctor for a check-up. She  
8 told me that my kidneys were being affected and that  
9 I really needed to take in a lot of fluids. I was  
10 really worried that I wouldn't be able to do what the  
11 doctor told me to. When I got to my cell, I asked  
12 the officer for water and he said no. I told him  
13 what the doctor said. He didn't want to get it for  
14 me or let me get it for myself. He didn't let me get  
15 water for the rest of the day. When I was released  
16 from quarantine, we still had issues with food, not  
17 getting enough, not getting protein or fruits or  
18 vegetables. I know there have been times when the  
19 officers have made racist comments, because my  
20 friends have told me, but I don't speak English so I  
21 try to ignore them. There are some officers who  
22 we're all concerned about. There was an incident  
23 where six or seven officers attacked one man. One of  
24 the officer put his knee on his neck, and he said he  
25

1  
2 couldn't breathe, but the officers would not food.  
3 An African inmate near me was trying to go down to  
4 help the one who was being punished, but we told him  
5 not to, because we knew they would hurt him, too. I  
6 just want to get out of here and be back with my  
7 family. I have three young children and they cry  
8 every time they see me on video calls because they  
9 miss me. The officers have threatened to take away  
10 my tablet, which is the only way I can see and talk  
11 to my family. I came to the United States to make a  
12 better life for my children, and I just want to be  
13 with them again. Thank you."

14 COMMITTEE COUNSEL: Thank you so much for  
15 your testimony. That concludes this panel's  
16 testimony. I'm going to turn it to Chair Hanif for  
17 any comments or questions.

18 CHAIRPERSON HANIF: Thank you all so much  
19 for providing testimony and particularly raising the  
20 egregious concerns on how officers were treating  
21 detainees. I don't have any questions at this time.  
22 I'd like to move this along to the next panel and  
23 would just like to remind folks to stick to the three  
24 minutes allotted so that we can get to everyone. It  
25 is really exciting to me that we have so many folks

1  
2 who are on this call to share testimony and for us to  
3 continue raising the alarm on the conditions at OCJ  
4 and other immigrant detention centers. Thank you.

5 COMMITTEE COUNSEL: Thank you, Chair.

6 I'd like to thank this panel for their testimony.

7 We're going to move on to our next panel. In order

8 I'll be calling on Kar Nowakowski, followed by Alex

9 Zucher, followed by Sophia Gurulé, followed by Razeen

10 Zaman, followed by Marlon Agustin-Mendez, followed by

11 Mariana Diallo. Kar, you may begin your testimony

12 when you are ready.

13 SERGEANT AT ARMS: Time starts now.

14 KAR NOWAKOWSKI: Good afternoon. My name

15 is Kar Nowakowski. I'm a Staff Attorney at the Legal

16 Aid Society and I'm presenting the following

17 testimony on behalf of a client currently detained at

18 Orange County who would like to remain anonymous.

19 "My experience being kept here is one of racism and

20 mistreatment. The officers treat us like animals.

21 They call us criminals. They have a hatred for

22 Hispanic and Black people. They take away our

23 benefits whenever they want to. They lock us up in

24 our cell all the time without any reason. They know

25 many of us don't speak or understand English, but

1 they shout at us in English anyways and don't  
2 translate their instructions. COVID is a big problem  
3 here. Even when someone is sick with COVID we're all  
4 mixed together. We share the same space and the same  
5 air, and when we want to protect ourselves by wearing  
6 masks they treat us badly. They say we don't need  
7 masks because no one is sick here, but a lot of  
8 people have been sick. In December and January,  
9 guards would come in sick all the time. Almost  
10 everybody in my unit was sick with fever and coughing  
11 during that time. We rely on the help of God to stay  
12 alive. The medical care here is poor in general, and  
13 I have suffered medical neglect. You have to fill  
14 out a paper or sick call to get their attention.  
15 Otherwise, they won't do anything. But even when you  
16 put in a call, it takes them weeks to respond, and  
17 even when you get to see a doctor, all they do is  
18 take your blood pressure, temperature, and then give  
19 you pills. The pills are always the same. It is  
20 always an over-the-counter pain medication. It  
21 doesn't matter what you're suffering from, they treat  
22 any ailment the same, the cheapest way possible.  
23 They don't care about our health. The food here is  
24 disgusting and unsafe to eat. I have been suffering  
25



1  
2 from a lack of food here. For weeks we have been  
3 eating the same food as the day before. Whatever we  
4 eat one day, the chef puts the same thing out the  
5 next. The food has been used and reused so often  
6 that it is softened and disintegrated. It's  
7 unpleasant and disgusting. There is one group of  
8 officers here that is especially racist, but all the  
9 officers are responsible. A few months ago we tried  
10 to speak out against Officer Bloys, number 366, who  
11 was being racist towards us and treating us badly. We  
12 submitted a complaint about this officer, but nothing  
13 happened. When that didn't work, we decided to ask  
14 to speak to a Sergeant. The very same officer we had  
15 complained about was in our unit that day, and he  
16 said that we were being disrespectful. He demanded  
17 that we lock in. When we kept insisting on speaking  
18 to a Sergeant, a large group of officers rushed into  
19 the room. We just wanted to speak to the Sergeant  
20 about this officer, but they wouldn't let us.  
21 Suddenly, I saw these six officers attack one of the  
22 people on the outside of the group. It was six  
23 officers against one unarmed man. The officers  
24 jumped on the man, hitting him. One of them was  
25 holding him down, and another had his knee on the

1  
2 man's neck. They pepper sprayed him and wouldn't let  
3 him loose. He was yelling for help, but we couldn't  
4 do anything. We thought that if we said anything more  
5 they would torture us as well. When they lifted him  
6 up, I saw that he had a really big black eye. They  
7 had hit him really badly. We just want to be heard,  
8 but after that day, we all feared that we would be  
9 next. Everyone was scared. We didn't feel safe  
10 before, and we knew we weren't safe after that. The  
11 officers have so much control over us, I'm fearful  
12 for my life. It is depressing being here, and I have  
13 a lot of bad days. I've missed the birthdays of my  
14 children and the birthday of my wife. I just want to  
15 be with my family again. Thank you for listening to  
16 us."

17 COMMITTEE COUNSEL: Thank you so much for  
18 your testimony. Next, I'll be turning to Sophia  
19 Gurulé for testimony. You may begin when you are  
20 ready.

21 SERGEANT AT ARMS: Time starts now.

22 SOPHIA GURULÉ: My name is Sophia Gurulé.  
23 I am a NYIFUP Staff Attorney representing detained  
24 and non-detained people, and I'm also Immigration  
25 Policy Counsel at the Bronx Defenders. I'm here

1  
2 today to read the testimony of Romeo [sp?] who is  
3 currently detained at the Buffalo Service Processing  
4 Center. "I've been detained for three years. ICE  
5 treats you very badly with no humanity. I had COVID  
6 a few weeks ago. They put all the COVID patients in  
7 oen unit like a warehouse. There was no treatment.  
8 When we have medical complaints, they tell us we're  
9 making stuff up. I need surgery, and they keep  
10 telling me that ICE can't approve my surgery, or  
11 telling me the surgery will happen, but it gets  
12 delayed. I had a deportation order for eight months.  
13 My consulate said they can't issue me travel  
14 documents, but they're keeping me in detention  
15 knowing that. The unit feels like a prison. It's  
16 very small. There's no recreation. If you want to  
17 work on your case, there's no space to do that. If  
18 you want your legal documents, they tell you to put  
19 in a request, but it takes two weeks to get it. It's  
20 hard to send things to your lawyer or caseworker  
21 because everything takes so long. It slows down  
22 people's cases. It's hard to get access to your  
23 documents and your mail. Officers are very abusive  
24 and racist. They make racist remarks. Whenever you  
25 request anything, the officers say they can't.

1  
2 They're taking the law into their own hands, because  
3 they have power over us. They're abusing us. They  
4 come in our cells and rip the door open, mess with  
5 our stuff. They throw our clothes and documents on  
6 the floor. We can't do anything because we don't  
7 have any power. I came here on November 13<sup>th</sup>. On  
8 November 22<sup>nd</sup> they took me to processing and they  
9 said I was getting deported. They closed my  
10 commissary account and took my money. They  
11 transferred me between detention centers to Louisiana  
12 without my medication and with no food. They put me  
13 in a holding cell for five hours with no food. They  
14 always move people during the night at 4:00 a.m. It  
15 feels like human trafficking. They prevent you from  
16 sleeping by waking you up at 4:00 a.m., telling you  
17 that you're going to be deported. I was put on  
18 another flight from Louisiana to Arizona, but with no  
19 food. I was there for a week with no medical  
20 attention. Then they told me my deportation was  
21 cancelled, because my travel documents were expired,  
22 or my country wouldn't accept me. They kept me in a  
23 cell in the airport for seven hours, sleeping on a  
24 bench. Then they flew me back to Harrisburg, New  
25 York to go to Buffalo. Two ICE officers drove me to

1  
2 Buffalo. It was an eight-hour drive. I was in a van  
3 for eight hours handcuffed. I asked to go to the  
4 bathroom and to eat, and they wouldn't let me do  
5 either. Why do they fly me all over the country and  
6 disturb my sleep and deny me food." That's the end  
7 of the testimony, but I just want to uplift again  
8 that Romeo said that this experience feels like human  
9 trafficking.

10 COMMITTEE COUNSEL: Thank you so much for  
11 your testimony. I'd like to now welcome Razeen Zaman  
12 to testify. You may begin when you are ready.

13 SERGEANT AT ARMS: Time starts now.

14 RAZEEN ZAMAN: Good afternoon. My name  
15 is Razeen Zaman. I will be reading testimony from  
16 someone anonymous at Orange County Jail. "The  
17 detainees are not eating in the facility and hunger  
18 striking. The facility is taking away their  
19 commissary and they threw away their food yesterday.  
20 The detainees have complained about it, and nothing  
21 gets done. The facility took away their commissary,  
22 which their families deposited, and they threw away  
23 their belongings. We have nothing, only a bucket of  
24 water. The staff come to make insults of why they're  
25 immigrants, why we don't return to their country.

1  
2 The officer who made these comments have the ID tag  
3 CNE450. Edgar [sic] is locked for 2,000 hours, that's  
4 15 days, even though he and the others haven't  
5 committed any wrong doing. We just try to complain  
6 and fight of the rights. Anytime the staff will lock  
7 him up for the smallest things. Yesterday, when they  
8 took away his commissary we took them near the  
9 bathrooms where there aren't any cameras. If they  
10 wanted to hurt them for any reason, they could  
11 without any footage. The detainees don't initiate  
12 anything, but the staff come in making comments and  
13 start treating them like animals. The facility cuts  
14 their calls as well to stop the detainees from  
15 reporting these incidents." Thank you.

16 COMMITTEE COUNSEL: Thank you so much for  
17 your testimony. I'd like to now welcome Marlon  
18 Augustin-Mendez to testify. You may begin when you  
19 are ready.

20 SERGEANT AT ARMS: Time starts now.

21 MARLON AUGUSTIN-MENDEZ: Afternoon, my  
22 name is Marlon Augustin-Mendez, and today I am  
23 speaking on behalf of the body of social workers  
24 serving New York Immigrant Family Unity Project at  
25 the Legal Aid Society. Thank you, Chair Hanif and

1  
2 members of the Committee on Immigration for this  
3 opportunity to present testimony today regarding the  
4 inhumane conditions and more specifically, the  
5 negligent mental health treatment that many of our  
6 clients encounter while in Immigration and Customs  
7 Enforcement's detention. In our day-to-day role, we  
8 regularly assess clients in detention to better  
9 understand their psycho/social functioning and to  
10 determine the level of care and supportive services  
11 that best meet their needs. Additionally, we provide  
12 written advocacy and supportive counseling to many of  
13 our clients while they await the results of their  
14 immigration proceedings. It is through these direct  
15 interactions that we have witnessed and learned about  
16 the many issues that prevent our clients from  
17 accessing adequate and crucial mental health services  
18 upon their ICE detention. Some of the issues I want  
19 to kind of highlight are three main stage or phases  
20 where a detained person can be evaluated for and  
21 receive access to mental health services. However,  
22 in our daily social work practice we have identified  
23 many gaps in effective and efficient response to the  
24 health concerns that many of our clients encounter  
25 while in detention. The first is the intake process.

1  
2 Individuals are supposed to be assessed for mental  
3 and physical health needs upon their arrival to ICE  
4 detention. This is a critical moment for jail staff  
5 to identify any current and previous mental health  
6 concerns that can negatively impact our clients  
7 during their time in detention. However, we have  
8 seen that far too often our clients are not properly  
9 assessed for mental health concerns, and in many  
10 cases these clients begin to gradually decompensate  
11 until an unfortunate crisis emerges. Furthermore, it  
12 is important to understand that there are cultural  
13 implications, lack of education and past experiences  
14 that prevent our clients from verbalizing their  
15 mental health needs. For example, client may be  
16 experiencing symptomology related to an undiagnosed  
17 mental health issue, but they are unable to  
18 comprehensively describe what they may be  
19 experiencing by answering a few questions related to  
20 their mental health during a brief intake process.  
21 Additionally, if an individual hesitates or denies  
22 mental health issues to fear of stigmatization, they  
23 will have a much more difficult time obtaining  
24 services later. During detentions also our clients  
25 are also undiagnosed-- if they are undiagnosed during



1 intake process, that they are required to fill out  
2 what's called a sick call, or a sick call form. In  
3 this form they are supposed to give a description of  
4 their symptoms and the reason they are seeking a  
5 healthcare provider. Our social work team strongly  
6 criticizes this process due to the ineffectiveness  
7 and response time and lack of seriousness that these  
8 sick calls are taken by jail staff at OCJ.  
9 Furthermore, our clients that request mental health  
10 services will seldom be immediately connected to a  
11 psychiatrist or a psychologist. They will have to  
12 endure long and arduous process, sometimes making  
13 several sick calls before they are connected to  
14 proper mental health practitioner. Additionally, if  
15 someone decompensates while in detention, they are  
16 presumed to have an adjustment disorder without  
17 actually undergoing a psychiatric evaluation. No  
18 diagnosis should be assumed without a thorough mental  
19 health evaluation. We have had--

21 SERGEANT AT ARMS: [interposing] Time  
22 expired.

23 MARLON AUGUSTIN-MENDEZ: clients  
24 experiencing symptoms of psychosis-- the full  
25 testimony will be submitted. I just want to conclude

1  
2 with saying that the NYIFUP social workers at the  
3 Legal Aid Society unite with a large and diverse  
4 coalition of legal service providers, immigration  
5 attorneys, physical and mental health organizations,  
6 and various immigration advocates across New York who  
7 strongly denounce the inhumane and harmful treatment  
8 of people held in immigration detention. The most  
9 sensible alternative of ICE detention, especially for  
10 those with underlying mental health concerns, is to  
11 allow people the opportunity to engage mental health  
12 services in a community-based setting while they  
13 continue their immigration and legal proceedings.  
14 Thank you very much.

15 COMMITTEE COUNSEL: Thank you so much for  
16 your testimony. I'd like to now welcome Mariana  
17 Diallo to testify. You may begin when you are ready.

18 SERGEANT AT ARMS: Time starts now.

19 MARIANA DIALLO: Hello, I'm Mariana  
20 Diallo, and I'm reading a testimony from Howard Bryan  
21 [sp?] who's currently detained at the Buffalo Service  
22 Processing Center in Batavia, New York. They state  
23 the following, "They charge us 400 percent higher  
24 prices for any items here. It makes it hard for our  
25 families. When we complain that we think-- excuse

1  
2 me. When we complain that we think-- sorry-- things  
3 are overpriced, they just tell us not to buy them.  
4 The law says that we're not supposed to charge more  
5 than 300 percent above normal prices. We also don't  
6 get the right amount of things for the money. I have  
7 been here for over a year, 14 months. My Deportation  
8 Officer, Nicole Belastraya [sp?], is doing her utmost  
9 to get me deported. The Jamaican consulate can't  
10 issue travel documents for me because I'm not in  
11 their database, and they can't [inaudible] this. She  
12 knows this, but she has been acting fraudulently to  
13 get me deported. She chooses to believe that I'm  
14 using a false name. She has made inquiries at the  
15 Jamaican authorities but she's not satisfied with the  
16 information they gave. She tried to claim that my  
17 name is really Rojan Bryan [sp?], my brother's name,  
18 to have me deported. They have given me inaccurate  
19 information and claim that the Jamaican consulate  
20 will send my travel documents soon. She sent an  
21 officer named Kahish [sp?] to interview. Explained  
22 to the officer that I am not my brother, and  
23 explained my situation. That officer then verified  
24 the information that provided and confirmed that I am  
25 correct, and Officer Belastraya had given him

1  
2 incorrect information. I filed complaints against  
3 Officer Belastraya for giving me misinformation. The  
4 Jamaican consulate sent me a letter on 12-13-2001  
5 confirming that they will not issue travel documents  
6 for me, but it hasn't made a difference." Thank you.

7 COMMITTEE COUNSEL: Thank you so much for  
8 your testimony. I'd like to now welcome Alex to  
9 testify. You may begin when you are ready.

10 SERGEANT AT ARMS: Time starts now.

11 ALEX ZUCHER: Hello, my name is Alex  
12 Zucher, and I'm going to read a statement form a  
13 person who is currently being detained by ICE at the  
14 Orange County Jail in Goshen, New York. "Why are  
15 individuals such as Michael Zimron [sp?] subject with  
16 prolonged period of detention after they have in  
17 custody since March 20<sup>th</sup>, 2021 through today, since  
18 the likelihood of removal in the foreseeable future  
19 is low to none while complying with ICE on a final  
20 removal order. Individuals like Michael Zimron are  
21 vaccinated and given booster shots voluntarily while  
22 detained in a Goshen ICE facility and still became  
23 sick and weak, given the fact that when they are  
24 together with other detainees and correction  
25 officers, they are exposed to the COVID-19 virus and

1  
2 other illnesses brought in by corrections officers as  
3 well as any new detainees. Individuals like Michael  
4 Zimron can better take care of their health and be  
5 exposed les various illnesses and COVID-19 if they  
6 are given a chance to remain in society, an order of  
7 suspension, which they once were in compliance when  
8 granted in 2008. Given this grievance, ICE is  
9 violating not only the six-month period of detention  
10 they have set for persons detained, being removed  
11 from the United States. But also creates a very  
12 harsh circumstance for individual detained by being  
13 forced to be with other individuals who are coming  
14 from the streets and likely carrying the COVID-19  
15 virus or those sorts of illness. The food provided  
16 has no nutritional value and the medical [sic] is  
17 short staffed. I, Michael Zimron, am requesting to  
18 be free to maintain my hygiene and keep myself  
19 healthy and disease free." That's the end of the  
20 testimony. Thank you for listening.

21 COMMITTEE COUNSEL: Thank you so much for  
22 your testimony. That concludes this panel's  
23 testimony. I'd like to turn it to Chair Hanif for any  
24 comments or questions.

1  
2 CHAIRPERSON HANIF: Thank you, Bani  
3 [sp?]. I don't have questions. I will wait to hear  
4 from the mental health panelists for my question on  
5 mental health services.

6 COMMITTEE COUNSEL: Thank you, Chair.  
7 Seeing no other questions, I'm going to thank this  
8 panel for their testimony and we'll be moving on to  
9 our next panel. In order I'll be calling on Ellen  
10 Pachnanda, followed by Karla Ostolaza followed by  
11 Sharon Kaufman. Ellen, you may begin your testimony  
12 when you're ready.

13 SERGEANT AT ARMS: Time starts now.

14 ELLEN PACHNANDA: Hi, good afternoon,  
15 Chairwoman. Thank you all for holding this committee  
16 and in its first committee meeting for the  
17 Immigration Committee on this very important issue of  
18 what's being going on at the Orange County  
19 Correctional Facility. I am the attorney in charge  
20 for the NYIFUP program at Brooklyn Defender Services.  
21 And as you've heard from this powerful testimony  
22 today from individuals who have been detained at  
23 Orange in the past or currently detained at Orange.  
24 The conditions in this facility are inhumane. They  
25 are dangerous and it must be stopped. On behalf of

1  
2 the NYIFUP providers, we have continuously advocated  
3 with both ICE and the Orange County Correctional  
4 Facility to approve these conditions. You will hear  
5 later from more social workers from the NYIFUP  
6 program addressing the mental health concerns that  
7 are at the Orange County Correctional Facility, but  
8 right now we'd like to focus on the access to counsel  
9 issues we've encountered. The proper way to describe  
10 this is Orange County Correctional Facility has in  
11 the past and has done the entire time of the ongoing  
12 COVID pandemic, denied access to counsel at the  
13 facility. As you all know, Orange County  
14 Correctional Facility is in Goshen, New York, which  
15 is close to two hours outside of the City. Our  
16 access to our clients has depended mostly during this  
17 pandemic on remote access. Primarily through the use  
18 of a video system called GTL. The video system that  
19 exists at the facility has been plagued by systemic  
20 problems, which means that our attorneys are unable  
21 to schedule visits at times for weeks. When they  
22 have these remote visits on video, there are times  
23 when the screen goes black. There's no audio.  
24 There's no connection. These technical issues  
25 persist to the point that calls are just completely

1 cancelled and when they've contacted the facility or  
2 contacted ICE, the repercussion is just make another  
3 appointment, schedule another visit. This means that  
4 our clients are day-in and day-out deprived of their  
5 access to counsel. When we originally raised these  
6 concerns back in March of 2020, these concerns were  
7 met from ICE with scheduling some confidential phone  
8 calls. They were not sufficient or adequate for any  
9 hearing preparation. Now, we've raised these issues  
10 both in letters and communication to ICE, and ICE's  
11 response at this point is there are no confidential  
12 calls that are available. The GTL system despite  
13 continued advocacy still fails to connect our  
14 advocates with our clients in the facility. And now  
15 as you've heard through testimony before the Council  
16 today, individuals are being told to use tablets.  
17 The tablets themselves do not provide for any  
18 confidential communication. Again, there's no ability  
19 to schedule these calls on these tablets, and these  
20 issues have been raised repeatedly with ICE,  
21 repeatedly with Orange County Correctional Facility,  
22 and as we've seen today, they're not here to address  
23 these concerns. ICE has met with us and the systemic  
24 issues continue and persist at the facility, and our  
25



1 clients are being denied their access to counsel.

2 This remote access-

3  
4 SERGEANT AT ARMS: [interposing] Time  
5 expired.

6 ELLEN PACHNANDA: If I could just finish  
7 one thought. The remote access that we must rely  
8 upon during this pandemic has continued to fail our  
9 clients, fail all individuals who are detained by  
10 ICE. Thank you.

11 COMMITTEE COUNSEL: Thank you so much for  
12 your testimony. I'd like to now welcome Karla  
13 Ostolaza to testify. You may begin when you are  
14 ready.

15 SERGEANT AT ARMS: Time starts now.

16 KARLA OSTOLAZA: Thank you. My name is  
17 Karla Ostolaza, and I am the Managing Director of the  
18 Immigration Practice at the Bronx Defenders. For the  
19 past two years our clients have been denied-- our  
20 clients detained at Orange County Jail have been  
21 denied access to private in-person meetings with  
22 their legal team. This is the case despite ICE and  
23 Orange County's provision that in-person visitation  
24 is the only means of legal visitation and that video  
25 and telephonic access are provided in some New York

1 [inaudible]. Since the beginning of the pandemic,  
2 Orange County has refused to allow us to meet with  
3 our clients in the private meeting rooms in the  
4 facility. Instead, our clients are forced to meet  
5 with their advocates in different space in the  
6 facility that doesn't allow for privacy. Other  
7 people meeting with their advocates are able to hear  
8 what our clients tell us and there are also guards  
9 within earshot. Under these conditions, it is  
10 impossible for our clients to share sensitive  
11 information that is often critical to their case and  
12 their wellbeing, such as their trauma history,  
13 physical and mental health status, and any abuse they  
14 might be experiencing in the facility on behalf of  
15 the guards. Moreover, detained people who don't  
16 speak the same language as their advocates are  
17 completely excluded from the visibility of in-person  
18 visitation, since interpreters are not allowed in the  
19 same space-- in this space because the set-up of  
20 their room doesn't allow for social distancing. ICE  
21 admits this is a problem, but has not taken any steps  
22 to remedy it. Instead, it has said that video calls  
23 are the only alternative for people to communicate  
24 through an interpreter, but we have heard that they  
25

1 have no support and they're marked [sic] with issues.  
2 Even putting aside for a moment the lack of privacy  
3 and language access in this meeting space, in-person  
4 visits are not a viable option to communicate with  
5 our clients, because the facility only guarantees  
6 their availability for 30 minutes every other day.  
7 Any further time allotment is up to the discretion of  
8 the guards, and this discretion exercised unequally  
9 and more sparingly when request is by advocates of  
10 color. We have racist concerns with ICE and Orange  
11 officials repeatedly, and they have consistently  
12 denied our request for a private meeting space and  
13 access to interpretation. It is clear that people  
14 detained in immigration custody cannot adequately  
15 collaborate with their attorneys and defend  
16 themselves on deportation. The only solution is for  
17 ICE to release ever person in their custody and for  
18 New York State to prohibit localities from  
19 collaborating with ICE. Thank you.

21 COMMITTEE COUNSEL: Thank you so much for  
22 your testimony. I'd like to now welcome Sharon  
23 Kaufman [sp?] to testify. You may begin when you are  
24 ready.

25 SERGEANT AT ARMS: Time starts now.

1  
2 SHARON KAUFMAN: Good afternoon and thank  
3 you to Chair Hanif for having us here this afternoon  
4 to talk about this very important issue. Under  
5 normal pre-pandemic circumstances, ICE detention is  
6 inhumane and ripe with flagrant human rights abuses.  
7 This has only become more evident during the COVID-19  
8 pandemic and exacerbated by the lack of transparency  
9 from ICE and Orange County Jail as to COVID protocols  
10 and access to vaccines and boosters. NYIFUP  
11 advocates have repeatedly sought out information  
12 about Orange County Jails quarantine policy. When it  
13 was necessary for clients to quarantine or for how  
14 long they would be quarantined, or how one would be  
15 quarantined outside of solitary confinement which is  
16 usually a method for punishment. And we have yet to  
17 be provided with any official policy. We have heard  
18 some clients were quarantined for seven days, others  
19 four or 14 days, and during this period, they've had  
20 limited access to their legal representatives. We  
21 have also gotten no information or communication  
22 about when there was outbreaks in Orange County Jail.  
23 At times, clients were produced for court and we were  
24 informed by court personnel that there was an  
25 outbreak in the jail, but when we reached out to ICE

1 and Orange County Jail for more details, we were told  
2 that there wasn't an outbreak and clients weren't  
3 produced either because an officer was ill or there  
4 was an issue with tech equipment. When we heard from  
5 our clients about a massive outbreak of COVID-19 at  
6 Orange County Jail in January, ICE denied any  
7 information about an outbreak and told us that two or  
8 three people tested positive. There's also been no  
9 information on testing protocols. During the outbreak  
10 of the Omicron variant, we were told by clients that  
11 officers informed them that they will not be testing  
12 for fear of having to report too many cases, and for  
13 a lack of ability to properly quarantine those who  
14 test positive, basically telling our clients that  
15 since the jail and ICE were incapable of managing the  
16 situation, they didn't need to know what they were  
17 dealing with. There has been no information provided  
18 on the dissemination of PPE to our clients, or the  
19 requirements around masking for our clients in Orange  
20 County Jail and ICE staff. We have heard from  
21 clients that they were yelled at for wearing a mask.  
22 We have also seen officers in the background on video  
23 calls, if we've been lucky enough to get a video  
24 call-- we've seen officers in the background walking  
25

1  
2 around unmasked and clearly not concerned about the  
3 risk to our clients. We've also been told that  
4 clients were provided with one mask upon entry to  
5 Orange County Jail. Clients also have limited or no  
6 access to vaccines and boosters, and there was a lack  
7 of education or information to explain the benefits  
8 and side effects of the vaccine and booster. Some of  
9 our clients were told that if they wanted vaccines,  
10 they would have to be taken to another facility, and  
11 then subjected to quarantine upon return. When we  
12 reached out to Orange County Jail and ICE and asked  
13 about access [inaudible], we were told that our  
14 clients are lying and that there are vaccines  
15 available on a sign-up sheet. It just so happened to  
16 be that they ran out of vaccines that day, and the  
17 sign-up sheet was being replaced. After further  
18 advocacy with press and ICE, clients were finally  
19 able to access vaccines. However, were still not  
20 provided with any education as to the benefits and  
21 side effects of the vaccine. In January, we  
22 requested information on how many vaccines and  
23 boosters had been administered at Orange County Jail  
24 in the last 30 to 60 days, but have yet to receive  
25 that information. It is clear--

1  
2 SERGEANT AT ARMS: [interposing] Time  
3 expired.

4 KARLA OSTOLAZA: that Orange County-- can  
5 I just have five more seconds? It is clear that  
6 Orange County Jail and ICE have no interest in the  
7 capacity-- or capacity to protect our clients from  
8 the spread of the COVID-19 pandemic. To keep people  
9 detained in cages while depriving them of medical  
10 care and life-saving vaccines during a global  
11 pandemic is cruel and inhumane and must end. Thank  
12 you.

13 COMMITTEE COUNSEL: Thank you so much for  
14 your testimony. I'm going to additionally call on  
15 Joaris Hernandez to testify, and I'm also going to  
16 ask our interpreter if you could please Joaris with  
17 their testimony.

18 JOARIS HERNANDEZ: Hello. Sorry, am I--  
19 can you hear me?

20 COMMITTEE COUNSEL: Yes, we can hear you.

21 JOARIS HERNANDEZ: Sorry, I'm having a  
22 technical issue. Can you please unmute Andrea?

23 COMMITTEE COUNSEL: Sure. I think Joaris  
24 having a technical issue as well, so we'll move on.  
25 We can circle back. I'm going to turn it to Chair

1  
2 Hanif because this is the end of this panel. So if  
3 you have any questions or comments?

4 CHAIRPERSON HANIF: Thank you. I wanted  
5 to know why these tactics are being used, the denial  
6 of access to counsel, the lack of privacy during the  
7 in-person meeting, the lack of language access.  
8 Could you share just more explicitly, why are these  
9 tactics being used?

10 ELLEN PACHNANDA: Thank you, Chairwoman.  
11 I think the reason that we've seen here today is a  
12 real attempt by both ICE and the facility to deprive  
13 our clients of access to family and counsel is to  
14 really deter them from fighting their cases, but as  
15 you've heard in the powerful testimony today, despite  
16 all of these odds, despite the treatment, the  
17 mistreatment, the abuse of the facility, they  
18 continue to stand up and speak up in these  
19 conditions, and I think this is something that-- I  
20 want it to be clear that ICE in the facility are so  
21 aware of the ongoing systemic issue, and they have  
22 done nothing to address it. And it goes again to the  
23 reason why you convene this committee and what this  
24 committee's proposals are. This is why detention in  
25 New York State must end. The reason being that



1  
2 despite the efforts of people on this call to speak  
3 up while they're being detained in these very  
4 conditions to fight for this, there is still not  
5 access to counsel. There are still issues with  
6 interpretation, people who need interpreters in-  
7 person cannot have it. There are still things going  
8 on with COVID. It speaks volume that there has been  
9 ongoing advocacy and no change. Detention should  
10 end.

11 CHAIRPERSON HANIF: Yeah. And is there  
12 still no official public quarantine policy? Has your  
13 main source of COVID outbreak information been from  
14 your clients?

15 ELLEN PACHNANDA: Yes, that's correct.  
16 We have not received, despite multiple accounts, we  
17 have not received any official policy from Orange  
18 County Jail or from ICE, and are left to just rely on  
19 what we hear.

20 CHAIRPERSON HANIF: And even with that,  
21 the number of course is uncertain because there's  
22 really no way to do an accurate count?

23 ELLEN PACHNANDA: Correct. I mean, when  
24 we were hearing that there was an outbreak of about  
25 50 detainees that was from, you know, all of us

1 adding all the people that we-- all of our clients.

2 And ICE responded that they heard-- that they only

3 know about two or three, which also during the

4 Omicron outbreak was just not possible, that only two

5 or three people in ICE detention had COVID at the

6 time.

7  
8 CHAIRPERSON HANIF: And do you know if at

9 this time ICE detention centers are supposed to

10 report this data around the number of COVID cases and

11 their protocol around COVID safety?

12 ELLEN PACHNANDA: I'm not sure about the

13 protocol, but in terms of the numbers, I think they

14 are because they have been. It's just very outdated.

15 CHAIRPERSON HANIF: Okay. Yeah, that's

16 something that I'd be-- I'd like to take a look at.

17 We could possibly legislate around that, but it is

18 absolutely important and vile that they have not been

19 reporting this regularly. No more questions for this

20 [inaudible].

21 SERGEANT AT ARMS: Madam Chair, I think

22 we're having a little technical problem. We're just

23 going to try to resolve that in a minute or two.

24 CHAIRPERSON HANIF: Okay, no worries.

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COMMITTEE ON IMMIGRATION

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SERGEANT AT ARMS: Madam Chair, just one more second. We're going to log in and log back out. Counsel, please call the next panel if you get back on.

COMMITTEE COUNSEL: Thank you. Sorry about that technical issue. I see that Joaris had rejoined, so I'm going to circle back. Joaris-- and I'm going to also ask Andrea to provide interpretation for the next panelist. Andrea are you on?

INTERPRETER: Yeah, I'm on.

COMMITTEE COUNSEL: Thank you. Could you please provide instructions about consecutive interpretation?

INTERPRETER: For who?

COMMITTEE COUNSEL: For Joaris Hernandez.

INTERPRETER: Joaris Hernandez, [speaking Spanish].

JOARIS HERNANDEZ: [speaking Spanish]

INTERPRETER: Hello, you can hear me, right? This is the interpreter speaking. [speaking Spanish].

JOARIS HERNANDEZ: [speaking Spanish]

1  
2 INTERPRETER: Hi, my name is Joaris  
3 Hernandez. I am from El Salvador. I am 28 years  
4 old. I am a black woman. I am a black transgender  
5 woman. I came from my country running away from  
6 persecution.

7 JOARIS HERNANDEZ: [speaking Spanish]

8 INTERPRETER: Joaris said I was  
9 [inaudible] for our lives through the system of the  
10 United States.

11 JOARIS HERNANDEZ: [speaking Spanish]

12 INTERPRETER: For simply looking for  
13 safety and protection.

14 JOARIS HERNANDEZ: [speaking Spanish]

15 INTERPRETER: I was sent to a detention  
16 center in the year of 2020. It was horrible to be in  
17 that center.

18 JOARIS HERNANDEZ: [speaking Spanish]

19 INTERPRETER: That's why I'm speaking out  
20 today to share a little bit of my experience that I  
21 had.

22 JOARIS HERNANDEZ: [speaking Spanish]

23 INTERPRETER: He said the detention as  
24 well as the [inaudible] that there is for transgender  
25 women.

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JOARIS HERNANDEZ: [speaking Spanish]

INTERPRETER: I was sent to solitary confinement for a few months.

JOARIS HERNANDEZ: [speaking Spanish]

INTERPRETER: Because of my condition of being transgender. This is something that affected me a lot in emotional and mental level.

JOARIS HERNANDEZ: [speaking Spanish]

INTERPRETER: Due to the isolation being horrible and the torture that I was [inaudible].

JOARIS HERNANDEZ: [speaking Spanish]

INTERPRETER: Today I'm speaking [inaudible] with my peers and my LGBT+.

JOARIS HERNANDEZ: [speaking Spanish]

INTERPRETER: [speaking Spanish]

JOARIS HERNANDEZ: [speaking Spanish]

INTERPRETER: Today we're still locked up in the detention center.

JOARIS HERNANDEZ: [speaking Spanish]

INTERPRETER: The conditions inside of the detention center include [sic] bad nutrition.

JOARIS HERNANDEZ: [speaking Spanish]

INTERPRETER: The little ability for health.

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JOARIS HERNANDEZ: [speaking Spanish]

INTERPRETER: The lack of medical attention and the bad attention from guards inside.

JOARIS HERNANDEZ: [speaking Spanish]

INTERPRETER: This is the interpreter speaking. Interpreter need repetition. [speaking Spanish]

JOARIS HERNANDEZ: [speaking Spanish]

INTERPRETER: Today-- this is why today I come to gather with everyone else and ask for the Administration to listen to us--

JOARIS HERNANDEZ: [speaking Spanish]

INTERPRETER: to realize the reality that many are leaving and why many are suffering--

JOARIS HERNANDEZ: [speaking Spanish]

INTERPRETER: through the same thing that I have. I asked the President Biden for a plan and for his campaign.

JOARIS HERNANDEZ: [speaking Spanish]

INTERPRETER: Reform for immigration, for especially the more marginalized communities.

JOARIS HERNANDEZ: [speaking Spanish]

INTERPRETER: Community immigrant-- immigration community, LGBTQ and black--

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JOARIS HERNANDEZ: [speaking Spanish]

INTERPRETER: because freedom does not  
have a price.

JOARIS HERNANDEZ: [speaking Spanish]

INTERPRETER: Nobody should go through  
the horror of confinement [sic].

JOARIS HERNANDEZ: [speaking Spanish]

INTERPRETER: No more detention center.

JOARIS HERNANDEZ: [speaking Spanish]

INTERPRETER: It is better to use the  
money for process for immigration.

JOARIS HERNANDEZ: [speaking Spanish]

INTERPRETER: People should not go  
through the torture of being inside of the detention  
center.

JOARIS HERNANDEZ: [speaking Spanish]

INTERPRETER: Same as being free for a  
good job, medical attention, and other programs.

JOARIS HERNANDEZ: [speaking Spanish]

INTERPRETER: I ask the President to free  
all of his-- all of them, and I insist the Council,  
New York City Council, as well to [inaudible] no more  
detention center.

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COMMITTEE COUNSEL: Thanks so much for your testimony. I'd like to just turn it quickly to Chair Hanif if there are any questions or comments.

CHAIRPERSON HANIF: Thank you, Bani [sic]. Thank you, Joaris, and Andrea, if you could continue to interpret here. Thank you, Joaris for just lifting up the conditions of trans detainees and in particular your experiences. Were there other Trans women detained with you, and could you articulate on whether Trans detainees were being treated differently from others detained in the center?

INTERPRETER: [speaking Spanish]

JOARIS HERNANDEZ: [speaking Spanish]

INTERPRETER: Yes, there were-- of course, there were other detainees from the community, but we were just a few, and they were detained in the detention center, but just because they said that according for us to be protected, they isolated us, and that is just even a torture as this.

CHAIRPERSON HANIF: They isolated, as in kept them separated from one another, not in one holding place?

INTERPRETER: [speaking Spanish]



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JOARIS HERNANDEZ: [speaking Spanish]

INTERPRETER: Yes, that is correct,  
exactly.

CHAIRPERSON HANIF: Thank you.

INTERPRETER: Gracias.

CHAIRPERSON HANIF: And then could you  
also share about the-- any medical treatment or lack  
thereof, in particular to the needs of Trans women?

INTERPRETER: [speaking Spanish]

JOARIS HERNANDEZ: [speaking Spanish]

INTERPRETER: Of course, the denial of  
hormonal change, that is one of the problems, and  
there's also problems when you're in the isolation  
cell to get to the medical [inaudible] and that is  
something that happened to be, because I had a mental  
problem-- dental problem.

CHAIRPERSON HANIF: Got it. Thank you.

And I know we'll have some folks speak more about the  
medical conditions there. I'll continue to probe on  
how our Trans community members were receiving  
treatment. Thank you so much, Joaris, for your  
testimony. We can move on.

INTERPRETER: [speaking Spanish]

JOARIS HERNANDEZ: [speaking Spanish]

1  
2 INTERPRETER: Yes, thank you very much  
3 for your time and for hearing me out.

4 COMMITTEE COUNSEL: Thank you so much for  
5 your testimony. I'd like to now welcome our next  
6 public panel. In order I'll be calling on Emanuel  
7 Garcia, followed by Ismery Lora, followed by Nicole  
8 Guerrero, followed by Mia Soto, followed by Doctor  
9 Chanelle Diaz. Emanuel Garcia, you may begin your  
10 testimony when you are ready.

11 SERGEANT AT ARMS: Time starts now.

12 EMANUEL GARCIA: Hello everyone. My name  
13 is Emanuel Garcia, and I am a social worker with the  
14 Bronx Defenders. My role is to identify resources to  
15 address current needs that my clients are currently  
16 facing, and most importantly, to provide our support  
17 with our legal team to help our clients navigate the  
18 harsh and punishing immigration system. Although I  
19 have been working with the Bronx Defenders for less  
20 than a year, what I have witnessed in my work will  
21 forever be branded in my memories. The clients that  
22 have read their testimony from Rosa Cohen and from  
23 Amy, those are my clients, and yeah, I'll definitely  
24 be speaking on their behalf. So, I'll start off with  
25 my client-- with my client E.M. As said earlier, his

1  
2 mother passed away from COVID-19. May she rest in  
3 peace. It has been very difficult for him, and he has  
4 told me that he really needed to talk to someone.  
5 When I follow-up with him he tells me that the staff  
6 tells him that they don't have any therapy sessions  
7 in Spanish, and he tells me, "How is this possible  
8 for a federally-funded institution?" As a social  
9 worker, I agree with him, and I cannot help but feel  
10 helpless, especially because my whole role as a  
11 social worker is to try to provide these resources,  
12 and me being unable to 100 percent help my client  
13 really creates a barrier. And then on top of that,  
14 they also-- my clients also have to deal with the  
15 conditions happening in OJC, which is-- it just  
16 exacerbating their current mental health condition,  
17 especially if they don't have somebody to talk to  
18 about how they're feeling. Another client that I  
19 would like to mention is my client S.D. Before he  
20 was detained he was homeless, and he was diagnosed  
21 with a schizoaffective disorder with a mild  
22 intellectual disability. Every time I talk to him  
23 and he's taking his medication, he tells me that he  
24 appreciates having the medication and that he wishes  
25 he could also have therapy as well. Whenever I talk

1  
2 to him I question myself, how could our justice  
3 system just like instead of giving him mental health  
4 care, they just throw him into incarceration and then  
5 to immigration proceeding. He even tells me that at  
6 times he hears the voice of his mother and father  
7 calling out to him, and there are times that being  
8 detained makes him feel constrained, and he tries to  
9 sleep it off, but even sleeping on his bed, which he  
10 tells me is extremely painful for his back, is like  
11 sleeping on cement. He cannot even-- he can't even  
12 cope with his mental health even in his own bed. My  
13 other clients that I would like to mention, his name  
14 is J.L. Many individuals navigating his condition  
15 are also survivors of serious trauma, and the  
16 experience--

17 SERGEANT AT ARMS: [interposing] Time  
18 expired.

19 EMANUEL GARCIA: I would like to just say  
20 one more thing. As a Hispanic Latino, I just find it  
21 extremely repulsive and offensive that me and my  
22 colleagues and my clients have to just deal with this  
23 racism, with this xenophobia, and it's just  
24 incredible that us being New Yorkers and claiming  
25 that we're a Sanctuary State, we still have this-- we

1  
2 still have this detention open. Please, hear what  
3 our clients are saying. Do it for the families.  
4 They're very hurting. Please don't make any more  
5 children cry. We've seen enough of that. Please,  
6 just please hear our pleas and hear our client's  
7 pleas, and just end their suffering, end this  
8 nightmare for them. That's all I wanted to say.  
9 Thank you so much.

10 COMMITTEE COUNSEL: Thank you so much for  
11 your testimony. I'd like to now welcome Ismery Lora  
12 to testify. You may begin when you are ready.

13 SERGEANT AT ARMS: Time starts now.

14 ISMERY LORA: Hello everyone. Good  
15 afternoon. I'm also-- my name is Ismery Lora, and I  
16 am a NYIFUP advocate at the Bronx Defenders. I'm  
17 going to be speaking today about my work with my  
18 clients and how it's been impacted. One of my NYIFUP  
19 clients, B.S., has been struggling with depression  
20 and anxiety since he first arrived at OCCF. He has  
21 attempted suicide in past and has been increasingly  
22 talking about hurting himself while detained at OCCF.  
23 B.S. was seen by medical staff at OCCF only after  
24 making about four or five requests to be seen by a  
25 doctor. OCCF noted in B.S.'s medical record that he

1 had attempted suicide nine years prior, that he's  
2 taking medication, but failed to list the medications  
3 that he's taking, that he's having audio and visual  
4 hallucinations, has a history of psychological and  
5 emotional abuse, and victimization as a child, has  
6 concerns about being able to cope with incarceration--  
7 while in incarcerated and was observed to be anxious  
8 and agitated and fearful of his safety. Despite  
9 these findings, OCCF medical staff recommended no  
10 services. Recently, B.S. just this last week he  
11 reported that he was able to speak to a psychiatrist,  
12 and their response was they put him on 24-hour watch,  
13 which exacerbated his mental health condition. He  
14 couldn't sleep all night. He was thinking about  
15 hurting himself. The guard literally had to beg him  
16 to please go to bed because the guard was watching  
17 him and couldn't rest because my client was agitated,  
18 and my client basically said that after this he never  
19 wants to talk to a psychiatrist again. That's not  
20 mental health treatment for him. They told him that  
21 they're unable to prescribe for medication or  
22 diagnose him because that's some New York State  
23 policy, that they couldn't even state him what the  
24 policy was. And my client basically is just like,--  
25

1  
2 he doesn't really want any mental health services or  
3 talk to anybody at OCJ because the [inaudible] that  
4 they're going to offer, he does not want them. Many  
5 of my NYIFUP clients rely on their social workers to  
6 go-- to give modicum [sic] of supportive care that  
7 they need, particularly those who cannot access  
8 [inaudible]. Yet, as a social worker we often face  
9 challenges accessing our clients which can be  
10 particularly detrimental when they are responding to  
11 people in crisis. Recently, OCCF removed my  
12 professional status for visitations, and I was unable  
13 to communicate with a severely mentally-ill client  
14 for over a week. When I contacted OCCF, the facility  
15 told me that they did not have my credentials on  
16 file, despite the fact that I had been to the  
17 facility in-person the previous week and provided all  
18 the necessary documentation. NYIFUP social workers  
19 routinely experience disruptions like this to client  
20 communication--

21 SERGEANT AT ARMS: [interposing] Time  
22 expired.

23 ISMERY LORA: [inaudible] Okay. Thank  
24 you.

25

1  
2 COMMITTEE COUNSEL: Thank you so much for  
3 your testimony. I'd like to now welcome Nicole  
4 Guerrero to testify. You may begin when you are  
5 ready.

6 SERGEANT AT ARMS: Time starts now.

7 NICOLE GUERRERO: Good afternoon. Thank  
8 you so much. My name is Nicole Guerrero. I am a  
9 social worker in the New York Immigrant Family Unity  
10 Project at Brooklyn Defender Services. As a NYIFUP  
11 social worker I am deeply concern about the lack of  
12 sufficient resources for appropriate mental health  
13 treatment at Orange County Correctional Facility and  
14 the dilemmas we face as social workers as a result.  
15 I would like to share with you a story about one of  
16 our clients who our offices has contacted mental  
17 health many times about over the past year. We  
18 repeat it to you today because his story represents  
19 the experience of many other people incarcerated in  
20 immigration detention in New York State. I have been  
21 working with L since April 2021 while he's been  
22 detained at Orange. Prior to my working with L he  
23 had been placed on suicide watch upon Orange's  
24 initial assessment due to his suicidal ideation. L  
25 has been diagnosed with Post-Traumatic Stress



1  
2 Disorder, Major Depressive Disorder, Severe with  
3 Psychotic features, and borderline intellectual  
4 functioning by outside experts. He experiences visual  
5 and auditory command hallucinations that often  
6 instruct him to harm himself or commit suicide. Even  
7 upon sharing diagnostic information with mental  
8 health, mental health refused to acknowledge L's  
9 major Depressive Disorder with psychotic features and  
10 borderline intellectual functioning diagnoses, and  
11 therefore, fails to provide treatment that is  
12 responsive to his needs. Throughout my work with L I  
13 have contacted mental health several times to request  
14 an appropriate evaluation and always makes sure to  
15 voice my concerns, even if staff don't want to  
16 engage. Several times mental health staff have told  
17 me that they cannot speak to social workers and have  
18 instructed me to speak directly to ICE. On one  
19 incident when reporting that L was experiencing  
20 suicidal ideation, mental health's response was, "I  
21 have no idea what to do with this information."  
22 Orange has placed L in solitary confinement which  
23 they refer to as one-to-one suicide watch. Each time  
24 in response to my concerns, sometimes without  
25 conducting a proper assessment. Frequently,

1 assessments have been conducted in English, even  
2 though L is a native Spanish speaker. I am concerned  
3 about the extreme nature of one-to-one suicide watch  
4 at Orange. L has described his prior experiences with  
5 suicide watch which is solitary confinement as highly  
6 traumatic. He is forced to take off his clothes and  
7 wear a turtle suit or anti-suicide smock. He is also  
8 placed in a room with lots of windows and feels  
9 exposed and vulnerable. He has told me that the  
10 feels like Orange is, "trying to kill him," by  
11 putting him in isolation. Because of L's experience  
12 on suicide watch and the risk that it poses to him,  
13 decisions to contact mental health have not been made  
14 lightly. Nevertheless, as a social worker, I am  
15 ethically obligated to report suicidal ideation or  
16 intent. In general there is a failure to prioritize  
17 the mental health of people detained at Orange.  
18 Orange is responses to mental health crisis and lack  
19 of appropriate treatment for individuals with severe  
20 and persistent mental illness poses ethical conflict  
21 for us as social workers whose obligations are to the  
22 wellbeing of our clients. Orange's reluctance, if  
23 not outright refusal, to provide appropriate mental  
24 health treatment and acknowledge that they are  
25

1 responsible for the care of these individuals, it's  
2 detrimental to the mental health of our clients. As  
3 social workers, how are we supposed to--

4 SERGEANT AT ARMS: [interposing] Time  
5 expired.

6 NICOLE GUERRERO: If I could just finish  
7 this one comment. How are we supposed to keep our  
8 clients safe if Orange's responses to mental health  
9 crisis involve putting our clients in more danger,  
10 and how are our clients supposed to trust us? Thank  
11 you.

12 COMMITTEE COUNSEL: Thank you so much for  
13 your testimony. I'd like to now welcome Mia Soto to  
14 testify. You may begin when you are ready.

15 SERGEANT AT ARMS: Time starts now.

16 MIA SOTO: Hi, hello. My name is Mia  
17 Soto, and I'm the Community Health Organizer at the  
18 Health Justice Program at New York Lawyers for the  
19 Public Interest, NYLPI. NYLPI's [inaudible] to be  
20 part of the City Council Immigrant Health Initiative  
21 and we thank you for that support. The Immigrant  
22 Health Initiative supports NYLPI's work seeking to  
23 improve access to healthcare in immigration detention  
24 settings. Despite the dire health risk posed by the  
25

1 spread of COVID-19, ICE officials continue to arrest  
2 and confine people in immigration detention  
3 facilities across New York City and the State. When  
4 New York City residents held in detention, NYLPI  
5 provides crucial and urgent advocacy to improve  
6 health here and their release. Through the funding  
7 provided by the Immigrant Health Initiative, we have  
8 built and continue to expand our volunteer providers-  
9 - medical providers' network, also known as MPN. Now  
10 with over 240 medical professionals through  
11 development of advocacy letters, visit individuals in  
12 detention facilities, conduct in-person consultations  
13 or medical interviews, and provide testimony for  
14 cases. Over the past year, NYLPI's MPN has supported  
15 15 cases where individuals were held by ICE at Orange  
16 County. Based on the MPN interview of people's  
17 medical history and their expertise as medical  
18 professionals, we are extremely concerned for the  
19 wellbeing and care of all immigrants held by ICE,  
20 especially those detained in Orange County.  
21 Community and legal advocates, as we've heard, have  
22 reported that the jail has failed provide easy access  
23 to vaccines or information about vaccines or  
24 boosters. Additionally, advocates reported that  
25

1 immigration in Orange County jail are only provided  
2 with non-surgical masks. As-- and of course, they're  
3 not following the recommendations provided by CDC.  
4 During the COVID-19 pandemic, additional issues have  
5 complicated and compounded the risk that detained  
6 individuals are facing every day. Many of the  
7 individuals at the Orange County Jail meet the  
8 criteria for being at high risk of complications from  
9 COVID-19. Many re in the age/race [sic] group and  
10 have a variety of pre-existing health conditions such  
11 as diabetes, obesity, and hypertension. The Orange  
12 County, also known as OCCF, has a history of medical  
13 neglect, abuse, and discrimination against immigrants  
14 detained at the facility. Delaying care and proper  
15 care and denial of care can result in permanent  
16 health damage and health-- and death, sorry,  
17 particularly when combined with COVID-19, even though  
18 many individuals have had health issues that could be  
19 treated quickly and addressed adequately. Today, I  
20 join countless other advocates throughout the City  
21 Council to support our demand for the release of  
22 individuals from immigration detention facilities  
23 across the nation. With urgency for those held at  
24 Orange County Jail. I urge the City Council to join  
25

1 the national movement to end ICE detention and  
2 protect all of New York City residents regardless of  
3 their immigration status. I ask the City Council to  
4 support the resolution calling on New York State  
5 Legislature and the Governor to sign the New York  
6 Dignity Not Detention Act towards reducing the  
7 physical/emotional harm caused in detention  
8 interactions with the immigration enforcement system.  
9 Thank you.

10  
11 SERGEANT AT ARMS: Time expired.

12 COMMITTEE COUNSEL: Thank you so much for  
13 your testimony. I'd like to now welcome Doctor  
14 Chanelle Diaz to testify. You may begin when you are  
15 ready.

16 SERGEANT AT ARMS: Time starts now.

17 CHANELLE DIAZ: Thank you. My name is  
18 Chanelle Diaz, and I'm a Board Certified Internal  
19 Medicine Physician practicing Primary Care in the  
20 Bronx, New York. I'm also a volunteer with the New  
21 York Lawyers for the Public Interest Medical  
22 Provider's Network. I've conducted dozens of medical  
23 evaluations for individuals in immigration detention  
24 over the last several years. It's clear to me that  
25 one, immigration detention makes even healthy people

1 sick. Two, it's harmful by design, on purpose.  
2  
3 Three, it's arbitrary and unjust. As a physician,  
4 I'm not simply charged for treating disease, but also  
5 with promoting health, wellbeing, dignity, and  
6 justice. I'm here to support the courageous  
7 individuals impacted by immigration detention and the  
8 advocates who have spoken today and to uplift their  
9 calls to end our cruel and unjust system. ICE has  
10 the power to release the people being held and should  
11 do so, but until they do, we need local and state  
12 policies that no longer support detaining people for  
13 ICE. As a network we've documented the continuation  
14 and even worsening of medical conditions for people  
15 in immigration jails, including the routine denial of  
16 vital medical treatment for people with serious  
17 medical conditions, as well as dangerous delays in  
18 diagnosis and treatment of new and worsening medical  
19 problems. In 2019, I shared Obdi's [sic] story. He  
20 was a healthy 30-year-old that nearly died after 18  
21 months in ICE custody. He complained of worsening  
22 health for months. He showed many symptoms of  
23 deteriorating health, and for months he was ignored.  
24 He didn't receive adequate evaluations by the medical  
25 team. When he became acutely sick, he asked for 10

1  
2 days to see a doctor. During that time he was too  
3 weak to get out of bed. By the time he was finally  
4 hospitalized, he was diagnosed with tuberculosis in  
5 the lining of his lungs. Even after being discharged  
6 from the hospital, he didn't receive the adequate  
7 treatment that had been prescribed and was denied  
8 follow-- was denied access to follow up with a  
9 specialist. Luckily, he survived, but he did not get  
10 the medical care he deserved. And the inadequacies  
11 of healthcare and immigration detention have proven  
12 even more dangerous during the current pandemic.  
13 COVID-19 has spread like wild fire-- wild fire  
14 throughout detention facilities, and they failed to  
15 implement appropriate social distancing, sanitation,  
16 testing, and masking protocols. This public health  
17 crisis is exacerbated by the already inhumane living  
18 conditions in immigration detention and heightened by  
19 the irresponsible and frequent transfers of detained  
20 of detained people between facilities and jails. I've  
21 had the privilege of evaluating several individuals  
22 when on hunger strike last year. Many of them felt  
23 dehumanized and treated like animals. They shared  
24 the psychological toll and trauma of detention and  
25 what led them to this form of resistance out of



1  
2 desperation. I want you to imagine the desperation  
3 and determination it takes to starve one's body of  
4 nutrition for a prolonged period. It should signal  
5 to us all, the dire circumstances--

6 SERGEANT AT ARMS: [interposing] Time  
7 expired.

8 COMMITTEE COUNSEL: Thank you so much for  
9 your testimony. I'd like to now turn it back to  
10 Chair Hanif for any questions or comments.

11 CHAIRPERSON HANIF: Thank you so much to  
12 everyone's testimony. I'd like to get a better sense  
13 of the mental and medical care provided at OCJ.

14 EMANUEL GARCIA: So, repeat the question  
15 one more time. I'm sorry.

16 CHAIRPERSON HANIF: I'd just like to get a  
17 better sense of how a detainee could access mental  
18 and medical care at OCJ. Like, could you walk m  
19 through the process?

20 EMANUEL GARCIA: From what I know it's  
21 like the same thing with the sick call slip, from  
22 what I know, and that's-- plus my client also sked me  
23 the same question, and I told him look, you got to  
24 fill out the sick call slips, and yeah. Again when I  
25 did the follow-up, they will tell me again the same

1  
2 thing, my clients, that yeah they don't offer no  
3 therapy questions in Spanish.

4 CHAIRPERSON HANIF: So, this means that--

5 EMANUEL GARCIA: [interposing] And for  
6 the medicine, and for medical-- and for the medical  
7 tool. And even after they fill out the forms, too,  
8 for the sick call slips. Yeah, it just takes forever  
9 for even medical professionals to see them, and mind  
10 you that one of my clients were legit sick, you know.  
11 They were legit sick, and-- if you're sick you want  
12 something from right then and there. You don't want  
13 something days later, you know, especially for  
14 something simple like Tylenol and Motrin. You know  
15 that's-- that's very abusive. That's-- it's  
16 terrible.

17 CHAIRPERSON HANIF: So this means that  
18 when your client or a detainee is feeling sick, they  
19 have to fill out a sick call slip and then get that  
20 over to a guard that or a rep, and then what is the  
21 usual response time? Like, how long are we talking  
22 here? Like one week to two weeks?

23 EMANUEL GARCIA: So, or one-- for one of  
24 clients, W.G., and he's told me that the only two  
25 times he's been seen after him submitting a sick call

1 slip-- mind you he's been in detention since last  
2 year. He has told me he's only been seen twice, and  
3 that was only when he fainted in the kitchen. And  
4 the other time was just a follow up. He told me that  
5 he had like a fracture in his back and he like a lot  
6 of back pain, and yeah, he still hasn't been seen  
7 about that. I have another client who has submitted,  
8 again, sick call slips for a medical condition that  
9 he has as well that he struggled with before he was  
10 detained. They still haven't seen him yet. Still  
11 haven't seen him. You know--

13 CHAIRPERSON HANIF: [interposing] Got it.

14 EMANUEL GARCIA: Like, what-- like as a  
15 social worker, what-- for me and my colleagues, how  
16 are we supposed to help our clients when they're not  
17 able to have access to, you know, for all these  
18 treatments, and it's just like a slap in the face  
19 because I'm telling you, this-- this takes a lot of  
20 us. Like, every inch of our soul, you know, and it's  
21 just like helpless feeling of not being able to just  
22 like help him in this instance, you know. And like  
23 today, is probably like the only chance that they're  
24 going to get of anybody hearing them, anybody hearing  
25 them. And if we're in America and we supposedly are

1  
2 the champion of human rights, supposedly, then why is  
3 this happening, especially in New York City,  
4 especially in New York.

5 CHAIRPERSON HANIF: No, I hear that. I  
6 hear that, and I thank you for articulating all of  
7 the-- just the lack of medical assessment,  
8 evaluation, and treatment. So, what I'm hearing from  
9 you is that like a client had fainted and then was  
10 seen. So, like, the condition would need to be like  
11 near death for a guard to show up for them to receive  
12 medical attention.

13 EMANUEL GARCIA: Essentially.

14 CHANELLE DIAZ: And that's something that  
15 I've actually heard from individuals in immigration  
16 detention, not just as OCJ. But they literally have  
17 to be dying to receive any kind of attention, and  
18 there have been documented deaths in immigration  
19 detention for that very reason. I think that the  
20 deaths are really only the tip of the iceberg. I  
21 think that, you know, there are so many more people  
22 that are harmed in numerous ways that thankfully  
23 survive, but no thanks to ICE.

24 MIA SOTO: And also, like one of my  
25 clients, B.S., after putting the four and five slips,

1  
2 medical slips, to be seen, he was only seen after a  
3 guard literally found him on the floor in the fetal  
4 position, like basically with his boxers on, because  
5 he likes to feel pain. It's like a way that he  
6 relieves, like, what he's feeling mentally, and the  
7 guard basically then took him to the medical the next  
8 day after catching him at 2:00 a.m. on the floor in  
9 this position, and that's when he was seen by medical  
10 staff, and even though the things that the guards  
11 have observed, like they still-- and the medical  
12 staff, they still have not suggested anything. And  
13 then in terms of like when they put him on 24-hour  
14 watch. They remove all their clothes. They put them  
15 in a cold room by themselves, completely like-- I  
16 mean, they have nothing underneath the robe, and they  
17 just feel even more agitated because someone is just  
18 looking at them through a window. And my client was  
19 even beat up like by the guards when-- he was forced  
20 to put in the gown because he didn't want to put it  
21 on the gown because he didn't want to put it on  
22 because he was so agitated.

23 CHANELLE DIAZ: right, and I think that  
24 we-- we see time and time again is that, you know,  
25 people who are sick, you know, do not receive

1  
2 immediate attention, that there a diagnosis that are  
3 missed. In some cases, people who need emergency  
4 surgery and go a long Tim without getting the  
5 emergency surgery they need. People in mental health  
6 crisis who are being placed in harm's way by being  
7 placed in solitary confinement rather than getting  
8 any kind of crisis management. And you know, I think  
9 that we've also heard stories of that happening to  
10 people who have acute COVID-19 infection who are  
11 high-risk and medically vulnerable, and instead of  
12 being monitored, they're being placed in solitary  
13 confinement where no one's evaluating them or  
14 checking on them for hours while their health is  
15 deteriorating. Again, I took care of patients during  
16 the initial surge in New York City and can say that  
17 when someone is sick with COVID-19, they need  
18 monitoring. They need very close monitoring. That  
19 was not happening and has not been happening in  
20 immigration detention. What we know is that ICE,  
21 when someone gets really sick, that's when they may  
22 decide to release them to the community so that their  
23 death is not counted against them.

24 CHAIRPERSON HANIF: So, as of right now,  
25 there isn't any routine or regular check-ups

1  
2 happening in the center where each person detained is  
3 getting a medical evaluation or a mental health  
4 evaluation regularly.

5 CHANELLE DIAZ: I think the way that ICE,  
6 I guess medical standards, if we can call them that,  
7 are applied-- they're applied differently in  
8 different facilities, jails, and so I can't speak to  
9 OCJ in particular, but what I can say is having--  
10 like, having reviewed thousand medical records from  
11 ICE, the initial evaluation that people get is very  
12 cursory. And in general, the documentation is  
13 really lacking when it comes to people's care. So,  
14 even when someone, for example, [inaudible] story I  
15 shared, he was reporting very clear symptoms of  
16 pulmonary problems, and in no place did they document  
17 an exam for him. I can only assume that they never  
18 listened to his lungs. And so even when they are  
19 being seen, the quality of care that they're getting  
20 is really subpar.

21 CHAIRPERSON HANIF: And is that because  
22 there is, like-- do they have a medical team out  
23 there, a mental health care team out there? What--  
24 could you share more about the staffing?  
25

1  
2 CHANELLE DIAZ: I would say that I'm not--  
3 I'm not closely familiar with OCJ's medical staff,  
4 and so I'm not sure if they're contracted through  
5 like a private company or exactly how it works  
6 because it's different in every jail or prison. But  
7 what I can say from the notes that I've reviewed,  
8 from the records that I've reviewed is that there's  
9 definitely this issue of even the providers who  
10 evaluate people not seeing individuals as patients,  
11 or like as like a human being with specific needs.  
12 They're often referred to simply as detainees, even  
13 in the medical notes, which is very unusual to see.  
14 And so what we know overall in ICE-- when it comes to  
15 care in ICE custody is that they're inadequately  
16 staffed with medical providers, that a lot of the  
17 care is being done by nurses or physicians assistants  
18 who are working above their scope of practice, and so  
19 they're evaluating people in ways that they're not  
20 actually trained to do, and they're making calls and  
21 decisions to not refer to be seen by the physician.  
22 And we hear this over and over again. And then, even  
23 when they see the physician, people often report  
24 instances of mistreatment, lack of professionalism,

25



1  
2 and it's pretty routine that people are denied their  
3 right to language interpretation when receiving care.

4 CHAIRPERSON HANIF: And then for when  
5 folks are detained begin to receive mental and  
6 medical care, would you say that the care is  
7 consistent, that they're receiving their doses of  
8 medications, that they have access to a variety of  
9 treatment plans?

10 CHANELLE DIAZ: So what I can say, and I  
11 want to let-- I want to let Emanuel and Ismery answer  
12 too, especially from the mental health pieces, what  
13 we've found in the evaluations that we've done over  
14 the years is that there are often interruptions and  
15 unexplained interruptions to people's treatment. For  
16 example, someone who has HIV is dependent on other  
17 medication or even diabetes is depending on their  
18 medication to keep their diseases in control, and  
19 there are days where they just don't receive their  
20 medications and don't receive an explanation.  
21 Interruptions, especially happen when people are  
22 transferred from facilities, and these interruptions  
23 can be days or weeks long, and I've seen this  
24 specifically documented when it comes to mental  
25 health care. So individuals who may have been on a

1  
2 specific regimen may not be receiving the regimen for  
3 months after they're transferred, even though they're  
4 putting in sick calls and complaints for requesting  
5 the medication. And there are different, I guess,  
6 excuses for why that may happen, but it's really  
7 inexcusable.

8 CHAIRPERSON HANIF: Absolutely, and then  
9 can you explain how these irregularities and delays  
10 in treatment and testing and additional follow-up  
11 care impact folks with severe chronic and pre-  
12 existing conditions such as obesity, hypertension,  
13 and diabetes, and of course, in tandem, any mental  
14 health issues?

15 CHANELLE DIAZ: Yeah, I mean, I think  
16 that what is happening is that people are being--  
17 they're being taken from their communities, and  
18 they're being placed in really stressful situations  
19 where they're not getting adequate nutrition. They  
20 don't have adequate ventilation, there's crowding,  
21 and diseases spread very quickly in these settings,  
22 especially during a pandemic, right? You add to that  
23 they're not receiving-- like, let's say someone who  
24 has diabetes, someone who has diabetes has to have a  
25 very specific diet to control the blood sugar levels,

1  
2 and if they don't have that diet, their blood sugar  
3 can get out of control. And it's just this like  
4 domino effect once your blood sugar or blood pressure  
5 is out of control, your health worsens. Anyone who's  
6 in a situation like that may be experiencing anxiety  
7 because of their health, because of the situation  
8 that they're in, and because of not knowing what's  
9 happening to their families. So it really just  
10 spirals out of control for people in detention, and  
11 it's really unnecessary to put people in harm's way.

12 CHAIRPERSON HANIF: Thank you Doctor  
13 Chanelle. And to Emanuel and Ismery, could you share  
14 like as social workers what you're able to provide  
15 right now through all of the challenges?

16 EMANUEL GARCIA: I'm able to provide just  
17 my support, just my support, and it's-- honestly,  
18 it's not enough. So, I'm just a master social  
19 worker, I'm not a licensed clinical social worker.  
20 I'm not able to provide the appropriate therapeutical  
21 [sic] techniques that's needed to like mitigate these  
22 effects, you know. Again, our clients even before  
23 they've been detained, they have gone through very  
24 extraneous situation. An example I'll give you is  
25 one of my clients, W.G., he pretty much witnessed his

1 son getting murdered, his stepson getting murdered,  
2 and he escaped with his wife and his child here. He  
3 escaped from the gang violence, and he's still-- and  
4 he lost his wife here. He lost his wife from COVID  
5 in New York, you know. And here is detained away  
6 from his family and all he wants is for somebody to  
7 talk to, and he can't even have that either, you  
8 know. And me, again, as a social worker, us having  
9 these extensive connections, us as a community, we're  
10 just limited to just providing our support, and yeah,  
11 it's definitely not-- you know, they're just-- they  
12 need like professional resources. And again, yeah,  
13 this is a federally funded--

14  
15 CHAIRPERSON HANIF: [interposing] Right.

16 EMANUEL GARCIA: A federally funded  
17 detention center. I know they're getting what,  
18 millions of billions of dollars. Can't allocate,  
19 what, a 100,000 dollars, 200,000 dollars on mental  
20 health? You know, maybe a little less than that.  
21 Instead, again, my clients are sent to detainee  
22 initiative, detainee initiative, which is again, is  
23 not right for a federally funded facility.

24 ISMERY LORA: And I also want to add that  
25 the only mental health services that my clients have

1 reported received in the past two years that I've  
2 been a NYIFUP advocate has been medication, and  
3 that's it. None of them have had access at all to  
4 therapy or anything like that, or in their language  
5 while they have been detained. And they're have--  
6 they all have reported interruptions in the medicines  
7 that they're provided without any reason like Doctor  
8 Diaz said previously. And another thing is like--  
9 like for me for example, like the only support that  
10 I'm able to provide and support through our video  
11 calls, and for example, when I-- when we do get the--  
12 when we do get to visit our clients in person. Like,  
13 recently when I visited B.S. when he reported some  
14 like-- he was reporting a lot of like thoughts about  
15 suicidal ideation and things like that. So I had to  
16 go visit him because I was worried and so I took him  
17 some breathing techniques that he could do to help  
18 calm himself down whenever he's feeling anxious,  
19 because the breathing techniques that he had been  
20 provided by OCJ were in English, not in Spanish. So,  
21 they even provide things that are not in the client's  
22 language. So how do you expect them to do these  
23 things? And so, you know, like even when I gave it to  
24 the guard, the guard was hesitant to take it, but  
25

1  
2 thankfully they were able to provide this to my  
3 client. But in our role at the Bronx Defenders we're  
4 only able to do so much. So, yeah.

5 EMANUEL GARCIA: And I'd like to  
6 piggyback off what Ismery said, too. Like, with just  
7 providing medication, that's just only one aspect of  
8 mental health. You know, mental health has a lot of  
9 aspects in it. Just like from a logical treatment,  
10 it's just not enough, and I would like to bring that  
11 back to my client that has schizoaffective disorder,  
12 like, yes, that's-- receiving medication is all good  
13 and well, but what about-- what about his  
14 homelessness, you know? What about that? And then  
15 what about him dealing with the loss of his mother as  
16 well, and then understanding his mental illness?  
17 Where is that support at? The truth is that the  
18 support is just not there, and like Ismery said,  
19 like, pharmacological [sic] support, that's just-- it's  
20 just not enough. And you can ask any mental health  
21 professional, that's not-- that's not the best with  
22 the ethical standards of like what social workers do  
23 and therapy in general. It doesn't best meet ethical  
24 standards. So, yeah, we would definitely like to  
25 highlight that.

1  
2 CHAIRPERSON HANIF: Thank you. Doctor  
3 Chanelle, did you want to say something else?

4 CHANELLE DIAZ: Yeah, I just wanted to  
5 add, a lot of people in detention, you know, have  
6 experienced traumas, you know, either in their home  
7 country or during their migration process, or here,  
8 and one thing that we often talk about is, you know,  
9 the importance of feeling safe, and what I see almost  
10 across the board is detention is an experience that  
11 triggers a lot of people's traumas and creates a lot  
12 of new traumas. I think a lot of individuals have  
13 already shared today many ways in which they were re-  
14 traumatized and newly traumatized in detention, and  
15 so just kind of lifting up the fact that this is  
16 something that, you know, re-traumatizes survivors  
17 and provides them with no mental health support to  
18 address it.

19 CHAIRPERSON HANIF: Thank you all for the  
20 work that you're doing and for everything you raised  
21 during our discussion and for testifying. No more  
22 questions for this panel.

23 COMMITTEE COUNSEL: Thank you so much,  
24 Chair, and thank you to this panel for their  
25 testimony. We're now going to be moving on to our

1  
2 next panel. In order I'll be calling on Mario  
3 Russell, followed by Anna Meixler, followed by Terry  
4 Lawson, followed by Carol Larancuent, followed by  
5 Esteban Figueroa-Brusi, followed by Daniel Kim,  
6 followed by Maya McDonnell. Mario Russell, you may  
7 begin your testimony when you're ready.

8 SERGEANT AT ARMS: Time starts now.

9 COMMITTEE COUNSEL: I'm sorry, you're  
10 muted. If you could accept the unmute request.

11 NINA MCDERMOTT: I apologize. Thank you.  
12 Good afternoon Council Chair Hanif and members of the  
13 committee. I'm Nina McDermott, the Director of  
14 Hotline Services and Training and Catholic Charities  
15 Community Services. Our Division of Immigrant and  
16 Refugee Services works with New York City on a  
17 variety of programs that provide immigration legal  
18 separation, refugee resettlement services, ESOL [sic]  
19 classes and we manage the ActionNYC hotline. We look  
20 forward to working with this committee on issues that  
21 face immigrant New Yorkers in the future. And today,  
22 on behalf of our Director Mario Russell, I appreciate  
23 the opportunity to provide this testimony. Catholic  
24 Charities provides legal services to immigrant New  
25 Yorkers throughout the state, including immigrants in



1 ICE custody at Orange County and Rensselaer County  
2 Jails, as well as Batavia Federal Detention Facility.  
3 We serve individuals who are not eligible for NYIFUP  
4 representation, and thanks to referrals from our  
5 hotline, legal service providers and community  
6 partners, Catholic Charities is able to receive  
7 referrals for individuals who may not otherwise  
8 receive representation. Catholic Charities has  
9 observed countless human rights abuses exacted on our  
10 detained clients by ICE and the New York jails that  
11 they contract with. We have received numerous  
12 reports from clients confirming egregious living  
13 conditions, lack of access to medical care and racist  
14 and discriminatory comments by jail officials. We've  
15 observed retaliation by ICE against those who seek to  
16 report those abuses. In September of 2021, Catholic  
17 Charities and partner organizations filed a civil  
18 rights and civil liberties complaint against the ICE  
19 Buffalo Field Office in Rensselaer County Jails on  
20 behalf of our client, Ms. Q, who testified earlier  
21 today. The complaints detail how Ms. Q was  
22 physically brutalized by an ICE officer while being  
23 transferred to the jail, resulting in a fractured  
24 ankle. Once at the Rensselaer County Jail, Ms. Q was  
25

1 denied the ability to shower and call her family for  
2 two weeks, denied access to medical care, and  
3 suffered discrimination and verbal harassment from  
4 jail officials. After lodging the complaint,  
5 Catholic Charities advocated to schedule a doctor's  
6 appointment for Ms. Q and even with DHS trying to  
7 intervene to get an appointment scheduled, it still  
8 took four months for her to be seen by a doctor who  
9 did confirm that her ankle was fractured. This four-  
10 month delay exacerbated the damage to her ankle.  
11 Immigration detention separates families, causes  
12 financial instability, housing insecurity,  
13 irreversible psychological harm. We documented how  
14 COVID-19 has exacerbated these harms, and how  
15 inaction by DHS jeopardizes the health and safety of  
16 immigrant communities. New York City must take  
17 action to protect immigrant New Yorkers and Catholic  
18 Charities supports legislation that would end  
19 detention that we've seen in New Jersey and it's  
20 being proposed in New York State. We ask the City  
21 Council to express support for the elimination of  
22 detention of immigrants going forward, and hold ICE  
23 accountable for its abuses and address the egregious  
24

1 conditions inside jails and detention centers. Thank  
2 you very much for your time.

3  
4 COMMITTEE COUNSEL: Thank you so much for  
5 your testimony. I'd like to now welcome Anna Meixler  
6 to testify. You may begin when you are ready.

7 SERGEANT AT ARMS: Time starts now.

8 ANNA MEIXLER: Thank you. I'm Anna  
9 Meixler speaking on behalf of the New York University  
10 School of Law Immigrant Rights Clinic. Our  
11 testimony-- our full testimony has been entered into  
12 the record. I will present excerpts here. On  
13 February 17<sup>th</sup>, Envision Freedom Fund, Catholic  
14 Charities Community Services for the Many, Freedom  
15 for Immigrants, New York Lawyers for the Public  
16 Interest, and the Immigrant Rights Clinic filed a  
17 complaint with the Department of Homeland Security  
18 Office for Civil Rights and Civil Liberties based on  
19 firsthand accounts of 10 detained people at Orange  
20 County Correctional Facility. I will share key  
21 findings from the complaint today. In recent years,  
22 OCJ has been the subject of multiple complaints,  
23 lawsuits and media. Notably following the 2016 death  
24 of an individual in ICE custody at OCJ. The  
25 complaint highlights longstanding issues that have

1  
2 profoundly worsened during the COVID-19 pandemic, as  
3 it has grown even harder for detained people to  
4 access legal counsel, their families, and critical  
5 health services. The complaint seeks not only to  
6 expose deplorable conditions, but also to elevate the  
7 demands of people detained at OCJ, particularly the  
8 call to release all people back to their communities  
9 and to remove officers identified as violating  
10 people's civil rights. COVID-19 continues to spread  
11 at OCJ as ICE violates basic protocols. Lack of face  
12 masks, clothing, bedding, and cleaning supplies  
13 coupled with expired food and unsanitary conditions  
14 exacerbate the virus' spread. Detained people  
15 reported harassment from guards for wearing mask,  
16 being unable to distance from those who have COVID,  
17 and even more significant, lapses in medical care.  
18 In general, accessing medical care is a longstanding  
19 issue at OCJ. The complaint details grievous medical  
20 negligence with regular lapses in prescriptions,  
21 ignored requests for medical attention, and  
22 inadequate screening and care. Immigrants at OCJ  
23 described an endemic culture of racism. People  
24 reported officers using hateful, xenophobic slurs,  
25 including the N word. They described being told to

1 "go back to your fucking country." One officer said  
2 that were he at the border, he would kill all the  
3 immigrants. This vitriol was described as  
4 widespread, belying any suggestion that racist abuse  
5 at OCJ is isolated to a particular officer or unit.  
6 One officer even appears to be affiliated with  
7 multiple Nazi commando email addresses. In fact, the  
8 Orange County Sheriff's Office, which operates the  
9 jail, has publicly acknowledged former ties to the  
10 Oath Keepers, an extremist organization with anti-  
11 immigrant views. At least twice in just the past few  
12 months, large groups of officers have reportedly  
13 pepper-sprayed, beaten, and dragged people, often for  
14 exercising their First Amendment right to speak out  
15 against the jail's conditions. Multiple officers  
16 were involved in each of these ugly attacks,  
17 emblematic of a culture of violence. People at OCJ  
18 report spending most of their time in isolation  
19 locked in their cells. They described being locked  
20 in for additional time for arbitrary, retaliatory  
21 reasons. Officers routinely wielded solitary and its  
22 threat to silence those exercising their First  
23 Amendment rights. Lastly, the complaint described  
24 OCJ's unsanitary and degrading conditions. Nearly a  
25

1  
2 dozen testimonials spoke of inedible food, freezing  
3 temperatures, scarce supplies--

4 SERGEANT AT ARMS: [interposing] Time  
5 expired.

6 ANNA MEIXLER: dirty laundry-- sorry, I'm  
7 nearly finished if I could have another moment.

8 CHAIRPERSON HANIF: Go for it.

9 ANNA MEIXLER: extreme mail delays and  
10 surveilled communications. These brazen violations  
11 of people's rights and dignity which are emblematic  
12 of the abuses endemic to the immigration detention  
13 system demands swift action. Since the complaint was  
14 filed, two officers have been removed from the ICE  
15 unit at OCJ and over 50 detained people went on  
16 hunger strike. But as strikers are punished with  
17 solitary confinement, conditions worsened and people  
18 remain vulnerable to COVID-19, medical neglect, and  
19 violent racism. We underscore their demand for the  
20 immediate release of all detained people back to  
21 their communities. Thank you.

22 COMMITTEE COUNSEL: Thank you so much for  
23 your testimony. I'd like to now welcome Terry Lawson  
24 to testify. You may begin when you are ready.

25 SERGEANT AT ARMS: Time starts now.

1  
2 TERRY LAWSON: Afternoon. My name is  
3 Terry Lawson and I'm the Executive Director of  
4 Unlocal, which is part of the Rapid Response Legal  
5 Collaborative along with Make the Road New York and  
6 NYLAG, and the lawyers, paralegals, and social  
7 workers serve on our Post Order Defense Team fight  
8 tirelessly during this pandemic to help those in ICE  
9 detention, whereas you've heard from many today their  
10 physical and mental health are threatened every day.  
11 I would like to start by thanking Chair Hanif, the  
12 Immigration Committee and the Council Staff for  
13 convening this hearing on these critical issues. We  
14 look forward to working together in the months and  
15 years to come. We deeply appreciate the support of  
16 MOIA and the City in making available these legal  
17 separation. I will focus my testimony on the reality  
18 facing our clients and the need to pass the pre-  
19 considered resolution supporting the passage of  
20 Dignity not Detention. As an example of the horrors  
21 facing clients detained at Orange, I'd like to share  
22 the story of our client who I'll call Harry, who was  
23 sent to Orange late last year. At the time of his  
24 detention, Harry, a long-term US resident with US-  
25 born children, siblings, and a fiancé, was being

1  
2 treated for colon cancer and a punctured intestine  
3 and was taking eight separate medications. Despite  
4 his compromised immunity, his significant ties to the  
5 US and the fact that he had been out on parole  
6 without incident for over two years when ICE tricked  
7 him into coming to pick up his passport and his green  
8 card. ICE denied his parole request and refused to  
9 release him while he pursued his motion to reopen.  
10 By the time his fiancé reached out to us, Harry had  
11 run out of options. At Orange he could not get the  
12 urgent medical care he needed without access to his  
13 medications and his doctors, Harry was unable to  
14 maintain his medical regimen and his health rapidly  
15 deteriorated. He experienced rectal bleeding within  
16 a few weeks of being detained at Orange, and they  
17 ignored his numerous requests to see a doctor until  
18 our legal director intervened. Facing indefinite  
19 detention and failing health, Harry chose to be  
20 deported by ICE rather than staying to fight his  
21 case, which due to the malpractice of his private  
22 attorneys, he could have won. Another medically  
23 vulnerable Unlocal client also chose to be deported  
24 early last year after he contracted COVID-19, a  
25 secondary respiratory infection and structural damage



1  
2 to his lungs in ICE detention, and ICE refused to  
3 parole him. Like our RLC partners and many of those  
4 testifying today, Unlocal has been forced to file  
5 lengthy and complex habeas petitions in federal court  
6 to address the indefinite detention and deplorable  
7 conditions at Orange and other ICE detention sites  
8 that fail to meet basic health and safety standards.  
9 Furthermore, as you've heard it is common place for  
10 Orange to ignore the scheduled appointments our  
11 advocates make to speak to clients using the  
12 antiquated GTL system which frequently crashes,  
13 delaying their ability to fight-- our ability to  
14 fight for their release. Routinely advocates log on  
15 only to see a black screen and never see their  
16 clients. Our clients--

17 SERGEANT AT ARMS: [interposing] Time  
18 expired.

19 TERRY LAWSON: [inaudible] not being able  
20 to make phone calls, phone calls not going through,  
21 and being able to only reach us via expensive apps  
22 like Getting Out [sic]. In addition to their  
23 numerous medical vulnerabilities, our clients suffer  
24 from extreme bouts of depression, anxiety, psychosis,  
25 and PTSD, as you've heard testimony about today. For

1 those in detention, there's no escaping the daily  
2 trauma of being indefinitely separated from one's  
3 community. I close by asking this committee, the New  
4 York City Council, and MOIA to support the pre-  
5 considered resolution introduced by Council Member  
6 Hanif and Public Advocate Williams calling on the New  
7 York State Legislature to pass and the Governor to  
8 sign the Dignity not Detention Act. I also ask this  
9 committee and council to pass the resolutions  
10 introduced last summer calling on the City to enforce  
11 and strengthen its own detainer law and to create a  
12 private right of action for those harmed when the  
13 detainer laws are violated. Lastly, we call on MOIA  
14 to continue to fund the legal services and social  
15 work support provided by RLC which makes this type of  
16 advocacy on behalf of those impacted by ICE detention  
17 possible. Thank you.

18  
19 COMMITTEE COUNSEL: Thank you so much for  
20 your testimony. I'd like to now turn to Carol  
21 Larancuent to testify. You may begin when you are  
22 ready.

23 SERGEANT AT ARMS: Time starts now.

24 CAROL LARANCUENT: Good afternoon. My  
25 name is Carol Darleny Larancuent. I am the daughter

1  
2 of immigrants and a first-generation New Yorker from  
3 the Bronx. I am a legal advocate at the Bronx  
4 Defenders, and I support people who are detained by  
5 ICE at Orange County Jail and their families and  
6 their fight against deportation and for their right  
7 to be free. In my work, I work closely with family  
8 members to gather critical supporting evidence for  
9 their detained loved one. As the people we represent  
10 are unable to do so because of their confinement. I  
11 am grateful for the opportunity to testify today, and  
12 I am in solidarity with the people inside who can't  
13 appear today due to the many systemic failures that  
14 keep them caged and in deep suffering. Deportation  
15 has been categorized as an administrative step in the  
16 removal process and not as a punishment, but the  
17 lived experiences of people navigating these  
18 realities demonstrate otherwise in most cases, people  
19 are separated from their family, subjected to  
20 inhumane and unsanitary conditions in detention, have  
21 limited access to counsel and their loved ones, are  
22 constantly navigating racist harassment and abuse by  
23 guards pertaining to their marginalized identity, all  
24 while fighting for all the things that make life  
25 worth living, like freedom, community, love, faith,

1 and humanity. This is what is at stake today and  
2 every day until our people are free. I asked the  
3 City Council to pass the resolution supporting the  
4 Dignity not Detention Act and to continue shining  
5 light on the abuses of ICE detention. I have  
6 witnessed how ICE detention denies people the  
7 opportunity to gather critical evidence for their  
8 case, which is one of the only few opportunities  
9 people have to humanize themselves in a court system  
10 that otherwise justifies their deportation by  
11 criminalizing their humanity. When people are taken  
12 from their communities, they have to rely on  
13 advocates and their loved ones to gather evidence,  
14 which a lot of time means revealing intimate  
15 information to family members that they wouldn't  
16 otherwise share, especially to young children. Those  
17 who don't have family members nor advocates to do  
18 this critical leg work for them, often accept removal  
19 orders just to get out of detention. I have worked  
20 with families that were stable but became  
21 destabilized only after their loved one's  
22 incarceration and experienced housing displacement,  
23 food insecurity, their mental and overall health of  
24 the family deteriorate, children who have been  
25

1  
2 excellent students all of a sudden struggle  
3 academically and start rebelling at school and home.  
4 Often times, such hardship only arises the moment  
5 after they are separated from their loved one by ICE.  
6 So the hardship remains ongoing and deepens the  
7 longer the person is in incarceration by ICE. Ending  
8 ICE detention in New York State means liberating  
9 people so that they can be reunited with their  
10 families, have access to adequate healthcare and  
11 continue fighting their case from the outside. Doing  
12 so will transform this city and re-establish hopes  
13 for more just and compassionate days ahead. Thank  
14 you.

15 COMMITTEE COUNSEL: Thank you so much for  
16 your testimony. I'd like to now welcome Esteban  
17 Figueroa-Brusi to testify. You may begin when you  
18 are ready.

19 SERGEANT AT ARMS: Time starts now.

20 H. ESTEBAN FIGUEROA-BRUSI: Good  
21 afternoon, Chair Hanif and to the all the members of  
22 the Committee. My name is Esteban Figueroa-Brusi. I  
23 am the Supervising Attorney at The Door, a holistic  
24 youth development organization. Among other things,  
25 we provide legal services to unaccompanied children

1  
2 in federal immigration custody. These children are  
3 not held by ICE, but rather by the Office of Refugee  
4 Resettlement, which is part of the Health and Human  
5 Services Department. However, I echo my colleagues  
6 concerns about especially the difficulties with  
7 remote representation during the COVID-19 pandemic.  
8 ORR provides a number of different types of  
9 placement. These range from foster care arrangements  
10 up to shelter or group home settings and include some  
11 secure or so-called staff secure settings, which are  
12 more akin to adult immigration detention. The  
13 impacts of COVID tend to vary by the type of  
14 placement involved. As for the legal services that  
15 are provided, these can range from Know Your Rights  
16 presentations up to and including full representation  
17 in asylum proceedings or other immigration  
18 proceedings. Many of the children that we work with  
19 have either asylum claims or what are called special  
20 immigrant juvenile claims. In other words, these are  
21 either people fleeing persecution, children fleeing  
22 persecution or fleeing serious child abuse or  
23 neglect. As a result, building rapport with these  
24 young people is very important and it has become  
25 increasingly difficult in the time of COVID. In

1 particular, the shelter agencies that we work with,  
2 these are private agencies which subcontract through  
3 ORR to house these minors, have stopped producing  
4 minors physically at our headquarters at The Door for  
5 important meetings. I can offer an example of how  
6 this has impacted our ability to provide legal  
7 services. We work-- recently have worked with two  
8 minors who are nonverbal. Under ideal circumstances,  
9 these children would be brought to our offices where  
10 a social worker and attorney and possibly paralegal  
11 could meet with them in a controlled environment with  
12 the help of visual aids and establish the necessary  
13 communication. Not only has this not occurred  
14 because the shelters are not producing minors, but  
15 the shelter has also declined to set up video calls  
16 citing the risks of confusion or agitation on the  
17 minor's part. Another minor, 15 years old, has been  
18 in custody since August of last year, but was only  
19 recently able to open up to his team regarding  
20 details of his claim. It's easy to imagine how these  
21 delays in establishing necessary rapport may impact  
22 representation. We've also seen children with mental  
23 health suffer significantly, including and notably  
24 among the population of unaccompanied Afghan minors,  
25

1  
2 who being that they all have parole status would not  
3 even be subject to adult detention were they of the  
4 age of majority. Thank you.

5 SERGEANT AT ARMS: Time expired.

6 COMMITTEE COUNSEL: Thank you so much for  
7 your testimony. I'd like to now welcome Daniel Kim  
8 to testify. You may begin when you are ready.

9 SERGEANT AT ARMS: Time starts now.

10 DANIEL KIM: Good afternoon. My name is  
11 Daniel Kim with the NYU Law Immigrant Rights Clinic.  
12 We represent an individual whose name is anonymized  
13 and therefore goes by L. L has lived and worked in  
14 Orange County, New York for over 20 years before  
15 being incarcerated at Orange County Jail. He's been  
16 held in immigration detention there for over a year  
17 and he tested positive for COVID in November 2021. L  
18 survived significant trauma as a young person  
19 [inaudible] mental health and cognitive difficulties.  
20 L's detention and the treatment to which he is  
21 subjected in OCJ have substantially worsened his  
22 mental health, with the jail providing inadequate  
23 care and subjecting him to racist and provoking  
24 conduct by guards as well as prolonged solitary  
25 confinement. L has not received any COVID-19



1  
2 vaccinations. In the summer of 2021, OCJ offered L  
3 the vaccine. He wanted to know more about it before  
4 receiving it. However, the jail never provided L  
5 with information in Spanish, the only language that  
6 he speaks fluently. In November, L tested positive  
7 for COVID. He experienced severe chest pain,  
8 difficulty breathing, body aches and chills, sore  
9 throat, coughing, loss of taste and smell, difficulty  
10 eating and difficulty sleeping. Counsel for L was  
11 only made aware of the severity of L's condition when  
12 he could not get out of bed for a legal call.  
13 Counsel had to advocate with ICE for L to be sent to  
14 the hospital, 10 days after first testing positive  
15 when he received an x-ray that displayed "ground  
16 [sic] glass infiltrates" in his lungs. He was  
17 discharged and sent back to the jail on the same day.  
18 Throughout this illness with COVID, OCJ gave L only  
19 Tylenol to manage his symptoms. L faced a long  
20 recovery process and had severe symptoms for months  
21 after first testing positive. Moreover, officers at  
22 OCJ often use racist and derogatory slurs against L  
23 when he asked for basic needs to be met, such as  
24 medication or water. For example, when L asked for  
25 water once, an officer told him, "You locked yourself

1  
2 up because you came to this country, so you don't get  
3 water." An officer also told L that he was, "tired  
4 of all you immigrants. If you were at the border, he  
5 would kill all of the immigrants and that immigrants  
6 cause so many problems." One particularly egregious  
7 example of the ongoing abuse and retaliation against  
8 L occurred in October 2021 when L came out of his  
9 cell to make coffee. One officer, who has a history  
10 of being sued for misconduct, told L to put on his  
11 jumpsuit even though other people in detention often  
12 walk around without jumpsuits without incident. When  
13 L went back to his cell, the officer called him an  
14 animal multiple times and said, "You fucking  
15 [redacted], go back to your country." The officer  
16 then placed L in solitary. On the following day, the  
17 officer cut L's shower time short and yelled at him  
18 to "Get out, animal." More recently, on February  
19 5<sup>th</sup>, 2022, the same officer from the prior incident  
20 entered L's unit and called in numerous other  
21 officers who violently struck and physically  
22 restrained L, including multiple guards throwing  
23 punches and kicks and L's body, and one guard holding  
24 L's neck to the ground with his knee. Over three  
25 weeks later L is still experiencing neck and knee

1  
2 pain from his assaults. Additionally, L has been in  
3 some form of isolation for approximately 105 of the  
4 last 151 days. He's currently slated to be in  
5 disciplinary segregation for an additional week and a  
6 half. This prolonged isolation is enormously  
7 dangerous, especially for someone with L's mental and  
8 cognitive disabilities, his trauma history, and his  
9 history of suicidality. As such, L seeks immediate  
10 release from immigration detention as well as  
11 meaningful accountability for holding--

12 SERGEANT AT ARMS: [interposing] Time  
13 expired.

14 DANIEL KIM: If I may finish this last  
15 sentence? So, he seeks release from immigration  
16 detention as well as meaningful accountability for  
17 wholly inadequate care, risks due to COVID, and  
18 egregious abuses that he and others have survived at  
19 OCJ. Thank you.

20 COMMITTEE COUNSEL: Thank you so much for  
21 your testimony. I'd like to now welcome Maya  
22 McDonnell to testify. You may begin when you are  
23 ready.

24 SERGEANT AT ARMS: Time starts now.

25

1  
2 MAYA MCDONNELL: Hi, my name is Maya  
3 McDonnell, and I'll be reading an anonymous testimony  
4 from somebody currently detained in Orange County  
5 Jail. "I've been detained in ICE custody since  
6 October 27<sup>th</sup>, 2017. I was pursuing my case within  
7 Immigration Court and got denied every opportunity to  
8 stay in this country, and eventually lost my appeals,  
9 too. I called a lot of pro bono lawyers offices, but  
10 nobody took my case for filing appeals, and  
11 eventually I was left on my own. Too many violations  
12 have been done by ICE officials under the due process  
13 clause, but there are no checks and questions about  
14 that, because we have no rights to ask anything to  
15 them about it according to the ICE officer, no rights  
16 at all. My first question would be to the honorable  
17 people here, why am I in county jail for the last  
18 four years and four months and still not deported or  
19 released onto the street? The government is not  
20 providing any evidence or explanation why I am a  
21 threat to the community and a flight risk, or why I  
22 am not getting deported. I have been requesting to  
23 the ICE Department and personally calling the General  
24 Inspector Office for their help, but they've never  
25 heard my issues. The deportation officers never

1  
2 answer phone calls. There's no updates on  
3 processing. Correction officers are treating us as  
4 inmates or an incarceration population on a daily  
5 basis, because they are trained to handle inmates,  
6 but they do not have any training to solve the  
7 requests of detained people. They treat us so bad.  
8 We cannot bring up our voices to be heard because  
9 they know that ICE officers are always backing them.  
10 Prices are going up in commissary products day by  
11 day, but there's no relief for us and our families at  
12 all. Detainees who are employed get paid a dollar a  
13 day with no raise at all. Thank you."

14 COMMITTEE COUNSEL: Thank you so much for  
15 your testimony. That concludes this panel, so I'll  
16 turn it to Chair Hanif for any questions or comments.

17 CHAIRPERSON HANIF: Thank you so much to  
18 our panelists. I'd like to ask Esteban a couple of  
19 questions. One, just thank you for lifting up how  
20 young detainees are experiencing being detained at  
21 this time. I'd like to know where do the Know Your  
22 Rights sessions that you've been hosting or The Door  
23 has been hosting, where do they take place and how  
24 frequently?

25

1  
2 H. ESTEBAN FIGUEROA-BRUSI: So, we do  
3 Know Your Rights presentations often multiple times a  
4 week. These historically, prior to just before COVID  
5 would take place, physically here at The Door. In  
6 2019, late 2019, transitioned to being in-person at  
7 the shelters themselves. Now, they occur over Zoom  
8 with generally a paralegal talking to a conference  
9 room full of young people at the shelter.

10 CHAIRPERSON HANIF: Got it. So they're  
11 provided directly to the shelters, not like schools  
12 or in collaboration with other youth-led  
13 organizations?

14 H. ESTEBAN FIGUEROA-BRUSI: That's  
15 correct.

16 CHAIRPERSON HANIF: Okay. And then what  
17 are the ages of your clients?

18 H. ESTEBAN FIGUEROA-BRUSI: Most of our  
19 clients are in their mid-teens. However, we do  
20 occasionally deal with minors who are younger. We  
21 had clients as young as two or three years old.

22 CHAIRPERSON HANIF: So, young as two or  
23 three would be held at a facility like OCJ?

24 H. ESTEBAN FIGUEROA-BRUSI: No, these are  
25 ORR detention centers. They are subcontracted to

1 agencies that provide shelter or foster care  
2 placements primarily [sic]. So they would not be held  
3 at Orange County.  
4

5 CHAIRPERSON HANIF: Okay. And then could  
6 you describe the availability of medical and mental  
7 health care treatment for the young detainees?

8 H. ESTEBAN FIGUEROA-BRUSI: Of course.  
9 Every young detainee has an assigned caseworker and  
10 clinician. They have reported difficulties sort of  
11 opening up to their case workers or clinicians. We  
12 also have social workers at The Door. As for medical  
13 care, we have experience. We've seen-- worked with  
14 young people who experience substantial delays that  
15 can take, you know, one, two, up to three months for  
16 them to receive to be scheduled for a necessary  
17 medical appointment.

18 CHAIRPERSON HANIF: Got it. And what  
19 would you say are the biggest challenges that young  
20 people are experiencing?

21 H. ESTEBAN FIGUEROA-BRUSI: I would say  
22 the biggest challenge that young people experience is  
23 what we call detention fatigue. Many times we hear  
24 from young people who have been in detention for  
25 upwards of six months, and they will tell us they're

1 interested or would like to pursue voluntary  
2 departure, even when they have what are in our view  
3 meritorious claims for relief that would allow them  
4 to remain here permanently.  
5

6 CHAIRPERSON HANIF: Thank you. No more  
7 questions for this panel.

8 H. ESTEBAN FIGUEROA-BRUSI: Thank you.

9 COMMITTEE COUNSEL: Thank you so much,  
10 Chair. Thank you to this panel for their testimony.  
11 We'll now be moving on to our next panel. In order  
12 I'll be calling on Uchechukwu Onwa, followed by Tania  
13 Mattos, followed by Rosa Santana, followed by Ambien  
14 Mitchell, followed by Nicole Catá. Uchechukwu Onwa,  
15 you can begin your testimony when you're ready.

16 SERGEANT AT ARMS: Time starts now.

17 COMMITTEE COUNSEL: I'm sorry, we're not  
18 able to hear you. Let me try muting and unmuting you  
19 again. I think there might be something wrong with  
20 your audio, we're not able to hear you. Do you want  
21 us to circle back to you in a few-- okay. So, next  
22 I'll call on Tania Mattos to testify. You may begin  
23 when you are ready.

24 TANIA MATTOS: Good afternoon. My name  
25 is Tania Mattos, and I'm the Director of Advocacy and



1  
2 Policy at Envision Freedom Fund, formerly known as  
3 Brooklyn Community Bail Fund. I want to thank Chair  
4 Hanif for holding your first-ever Committee on  
5 Immigration hearing on detention in New York and the  
6 human [sic] impact these places have on the  
7 immigration community, not only the five boroughs,  
8 but also the entire country. Detained people inside  
9 Orange County Jail know that this hearing is  
10 happening and it gives them hope to keep going one  
11 more day. Back in 2018, myself and colleagues from  
12 QDEP, BAJI, DRUM, and New York Lawyers for the Public  
13 Interest decided to start a coalition called Abolish  
14 ICE New York, New Jersey in order to organize for the  
15 end of immigration detention in both states. Three  
16 years later and hundreds of hours of organizing  
17 alongside hundreds of detained people in Hudson  
18 County, Bergen County, and Essex County and  
19 Elizabeth, and with over 100 endorsing organizations  
20 from New York, New Jersey, New Jersey passed their  
21 version of Dignity not Detention in August of 2021.  
22 This bill does not allow for any new ICE contracts or  
23 renewals. The jails went as far as ending their  
24 contracts ahead of their due date, or their end date,  
25 to the-- to-- and this is due all because of the

1  
2 organizing that people inside of detention did much  
3 like the people in Orange County Jail are doing now.  
4 The amount of media attention the jails received on  
5 the abuses happening inside was atrocious.  
6 Simultaneously, in New York along with the New York  
7 Immigrant Rights Clinic, we started working on ending  
8 detention in New York by writing the New York Dignity  
9 not Detention bill. You may ask, why are we working  
10 so hard to end detention across the country? Because  
11 as immigrants, we said enough. Enough of the deaths  
12 in detention. Enough of the mental torture that our  
13 families and communities go through in and out of  
14 detention. Enough of the millions of people that are  
15 deported directly by numerous presidents. Later on,  
16 you will hear from my colleagues Rosa Santana and  
17 Abby and Mitchell [sp?] at Envision Freedom Fund who  
18 will go into detail how it is up to families,  
19 organizations, and communities to help release people  
20 from detention and deported individuals pick up the  
21 pieces of their lives. Some have lost their  
22 families, homes, businesses, jobs, and all their  
23 money and friends. I've worked in supporting many  
24 people in detention, and with those who have gone on  
25 hunger strike and face retaliation for non-violent

1  
2 protests of putting their already deteriorating  
3 bodies and health on the line. Orange County is by  
4 far one of the two facilities where the guards are  
5 extremely cruel. As you know, the jail has guards  
6 who have had ties to white supremacist groups who go  
7 out of their way to making their lives miserable.  
8 Monolingual English speakers and black immigrants  
9 [inaudible] I don't say this lightly, a living hell.  
10 They try to make it that way. I was on the phone with  
11 over 20 people last week at Orange County Jail when  
12 56 people went on hunger strike, and I could hear the  
13 guards yelling at them, calling them names. As you  
14 know, the--

15 SERGEANT AT ARMS: [interposing] Time  
16 expired.

17 TANIA MATTOS: Just give me one second.  
18 As you know, two guards have been moved from ICE,  
19 from the ICE unit over to another facility, but that  
20 is not the solution. The solution is to advocate for  
21 and fund true rehabilitation programs so we can end  
22 jails and no one has to be at the mercy and rule of  
23 white supremacists. In the meantime, I urge you to  
24 join us advocating for the end of ICE contracts in  
25 New York through the Dignity not Detention bill along

1  
2 with California, Illinois, Washington, Maryland,  
3 Oregon, and our sister state of New Jersey. This  
4 will send a clear message to the Administration that  
5 we don't need detention in our states, especially in  
6 New York. Thank you.

7 COMMITTEE COUNSEL: Thank you so much for  
8 your testimony. I'm going to circle back to  
9 Uchechukwu Onwa if you're able to testify.

10 SERGEANT AT ARMS: Time starts now.

11 UCHECHUKWU ONWA: Can you hear me?

12 COMMITTEE COUNSEL: Yes, we can hear you.

13 UCHECHUKWU ONWA: Thank you. Thank you  
14 Chair Hanif and the rest of the City Council. My  
15 name is Uchechukwu Onwa and I'm the Co-Director of  
16 Queer Detainee Empowerment Project. We support  
17 LGBTQ, gender non-conforming, and HIV-positive  
18 immigrants that are detained in immigration prison in  
19 New York State, New Jersey and other states in the  
20 west coast where a lot of our members are common--  
21 communities that are detained by ICE. I'm here as  
22 someone who-- someone with the lived experience of  
23 immigration detention and also as an advocate for  
24 LGBTQ immigrant community, specifically those who  
25 went through detention and incarceration who are

1  
2 facing very specific struggle in New York City. I  
3 want to speak about the most important problems in  
4 our community that are exposing LGBTQ gender non-  
5 conforming, and HIV-positive people to poverty,  
6 physical danger, and risk of slow death [sic]. Our  
7 first ask to the Committee is to prevent New York  
8 State from continuing contracting with ICE, pass  
9 Dignity not Detention, and supporting release of  
10 everyone. Jails and prison are a place of torture  
11 where human dignity and rights are broken every day.  
12 For us, continuation of ICE contracts or more jails  
13 equates more ICE space to incarcerate immigrants,  
14 queer and Trans immigrants. Every person seeking  
15 asylum [inaudible] that is sent to ICE detention  
16 center which are terrible and life-threatening  
17 places, especially for LGBTQ immigrants. First of  
18 all, our Trans and gender non-conforming members are  
19 sent to facilities based on the gender [inaudible] on  
20 the ID. Many people do not have the opportunity to  
21 change their names or gender identification on their  
22 legal papers in their home country. Sometimes,  
23 because the process simply does not exist or it is  
24 not accessible to them. From day one, trans and queer  
25 immigrants are exposed to [inaudible] discrimination

1 [sic] , physical violence, constant insults, sexual  
2 harassment, and rape coming from the other people who  
3 are detained and guards. Majority of our Trans and  
4 gender non-conforming members are sent to solitary  
5 confinement for days, sometimes even weeks, or months  
6 as case may be. One of our Trans member who was in  
7 solitary confinement for two months and she had  
8 multiple suicide attempts. Another was tortured for  
9 two years at the facility before they were  
10 transferred to Krome in Florida and finally deported  
11 back to Jamaica, a country they have never been to in  
12 over 40 years. Solitary confinement means being  
13 inside of your cell for 23 hours of the day without  
14 the right to see other people. It is an  
15 unconstitutional form of torture to keep person in  
16 solitary confinement for more than 72 hours. Imagine  
17 for moment, the impact on physical and mental health  
18 of the person detained in those conditions. One of  
19 our members, a Trans woman from Honduras, was  
20 detained in solitary confinement in ICE detention  
21 sent her for two years. She had suicidal attempts.  
22 She stopped trying to commit suicide when she got in  
23 touch with QDEP, our organization, and were able to  
24

1 stay in touch with her. Solitary confinement is just  
2 one of the examples of how our last--

3  
4 SERGEANT AT ARMS: [interposing] Time  
5 expired.

6 UCHECHUKWU ONWA: and threatened in prison  
7 by ICE. As a black bisexual migrant [inaudible]  
8 suffered extensive harassment and violence at the  
9 hands of immigration officers. In one instance an ICE  
10 officer pinned Paul [sic] to the wall and threatened  
11 to kill him. The officer specifically said that we  
12 was [inaudible] because Paul was black. When Paul  
13 filed a grievance about the incident, the same  
14 officer retaliated and invented charges against Paul  
15 and put him in solitary confinement for several days  
16 with officers placing him in distress [sic] and  
17 causing [sic] him to become suicidal. Then an  
18 officer handcuffed Paul, dropped him to his knees,  
19 and threatened to mace him in the face if he did not  
20 get up. The next morning Paul attempted suicide and  
21 then he brought to this hospital, and experts  
22 [inaudible]. Immigrants are treated like trash. Food  
23 bad, medical bad, everything bad. This is nothing  
24 but torture at a facility, therefore, I don't want to  
25 live in this. I don't want to live. I want to die.

1  
2 Tell my daughter that I love her. I want to urge the  
3 committee to pass the Dignity not Detention bill to  
4 support the release not transfer, and as a body  
5 closure of all jails in New York State. Thank you.

6 COMMITTEE COUNSEL: Thank you so much for  
7 your testimony. I'd like to now welcome Rosa Santana  
8 to testify. You may begin when you are ready.

9 SERGEANT AT ARMS: Time starts now.

10 ROSA SANTANA: Yes, hello, my name is  
11 Rosa Santana. I am the Bond Director at Envision  
12 Freedom Fund, formerly Brooklyn Community Bail Fund.  
13 In my role, I establish a hotline that receives calls  
14 from various detention centers around the US,  
15 including Orange County Jail. During those calls we  
16 document complaints, especially those related to  
17 human rights violations, conditions of the jails and  
18 detention centers. We also receive letters from  
19 people in detention who share their experience of  
20 racism, abuse, and neglect by the jail. I have been  
21 meeting and speaking with people in immigration  
22 detention in local jails and precincts in the New  
23 York and New Jersey area since 2010. I have spoken  
24 with people detained at Orange County Jail for the  
25 last two years. I have also toured this facility



1 with other advocates about seven years ago. Unlike  
2 some of the other jails in the region with  
3 immigration contracts, this jail does not regular--  
4 does not pose regular opportunities for inspections  
5 and tours. Two weeks ago I contacted the New York  
6 field office requesting a tour of this facility, and  
7 our request was denied. Orange County is located in  
8 a very isolated area and folks detained at this  
9 facility, they record feeling disconnected as their  
10 families cannot visit them because the facility is so  
11 far away. We have also heard from people detained in  
12 this facility who hardly ever see their ICE officers,  
13 as they do not often visit this facility. Detainees  
14 are unable to get updates of their cases, report  
15 abuses or ask questions. People in detention from  
16 this facility also reported enduring racist treatment  
17 and described limited communication between staff  
18 members and the population. The staff speaks mostly  
19 English, creating misunderstanding and meeting them  
20 with hostility. This all makes it very hard for  
21 people inside who do not speak English to express  
22 their concerns. COVID restrictions have worsened  
23 these conditions. People detained at this facility  
24 have reported being locked in their cells for most of  
25

1  
2 the day with nothing to do but sleep day and night,  
3 as they're not other ways to occupy their time.  
4 There's no services or educational courses that are  
5 being offered. Tablet is the only way of  
6 entertainment where they have to pay very high fees  
7 to use any features such as media and visitation  
8 capabilities. Officers decide not to charge the  
9 batteries or the tablets, so they are unable to use  
10 them. Essential hygiene products such as toilet  
11 tissue toothpaste are often [inaudible]. If they  
12 request such essentials or complain about their lack,  
13 they're often locked in the box for several days. In  
14 the last couple of weeks we have seen an increase in  
15 return of books. We're being informed that books are  
16 being returned, because the recipients are in  
17 isolation. Instead of holding the books, the facility  
18 is refusing them. Medical care is one of the main  
19 topics of the complaints that we receive at Envision  
20 Freedom.

21 SERGEANT AT ARMS: Time expired.

22 ROSA SANTANA: I'm sorry, I need to  
23 finish.

24 CHAIRPERSON HANIF: Go for it.

25

1  
2 ROSA SANTANA: [inaudible] committed more  
3 than 200 pages of complaints through the past six  
4 months trying to get medical attention. Every time  
5 he is told to submit another request, and he still  
6 has not received medical care. The facility is  
7 unable to guarantee the health and safety of  
8 incarcerated people, particularly amidst the COVID-19  
9 pandemic. Folks also describe a feeling of torture  
10 in this facility. Some of them have expressed fear  
11 of losing their lives for not receiving medical care.  
12 They have also said the officers lack empathy and  
13 treat them as that they're not human. Bonds have  
14 increased from 2021 in this facility specifically, to  
15 now to 2022. At the beginning of the year we were  
16 paying relatively bonds in the range of 1,500 to  
17 4,000. After transfers started happening to Orange  
18 County, bonds have been as high as 20,000. Ten  
19 thousand is the most common bond that we have seen at  
20 the bond fund so far. Last week, we posted a 20,000  
21 dollar bond for someone who is only 19 years old.  
22 This bond amounts are unjust. Immigrant families  
23 work very hard to support themselves. Most immigrant  
24 families cannot afford them, so their loved ones stay  
25 lingering in detention because due to lack of funds.

1  
2 I am highly concerned with the jails conditions and  
3 how they treat detained community members. The lack  
4 of essential hygiene products during a pandemic  
5 should not be happening, and this shows just how in  
6 the recent COVID-19 outbreaks. This sense of  
7 desperation and fear for people detained in this  
8 facility is something that we cannot ignore. People  
9 should not be caged in a place where they feel they  
10 can lose their life. This jail must be closed, and  
11 we cannot wait for lives to be lost or for the jail  
12 to take responsibility or make changes. Thank you.

13 COMMITTEE COUNSEL: Thank you for your  
14 testimony. I'd like to now welcome Ambien Mitchell to  
15 testify. You may begin when you are ready.

16 SERGEANT AT ARMS: Time starts now.

17 AMBIEN MITCHELL: Good afternoon. My name  
18 is Ambien Mitchell and I am the Post-release  
19 Coordinator at Envision Freedom Fund. So, I provide  
20 re-entry support to people leaving ICE detention.  
21 I've worked with many people detained at Orange  
22 County Jail over the years, and unfortunately, a dear  
23 friend of mine is detained there as I speak. It is  
24 his voice that I wish were present here in-person  
25 today along with all the other voice of those

1 suffering in anguish and despair in that jail. The  
2 day-to-day tasks of my work consists of listening to  
3 the myriad atrocities detained people have endured  
4 and supporting them in addressing their subsequent  
5 emergent needs overwhelmingly related to medical  
6 attention and mental health care. It's my job to  
7 help them seek medical treatment for conditions which  
8 went untreated in ICE custody, finish treatment for  
9 conditions which went half-way treated, or at worst,  
10 have corrective treatment done to counteract harm  
11 caused by the medical so-called care in ICE jail. I  
12 support them in beginning to rebuild their lives and  
13 their physical and mental health. people leave  
14 detention deeply traumatized, often needing weeks,  
15 months or longer to recover to a point where they can  
16 simply walk down the street without feeling an  
17 overwhelming fear of being followed, surveilled or  
18 re-arrested. The total ICE detention takes on one's  
19 medical and mental health is immense, sometimes  
20 irreversible. Those detained at Orange County are  
21 subject to guards who have hateful racist outbursts  
22 and are verbally and physically abusive. Some guards  
23 have reacted with vitriolic anti-blackness and  
24 xenophobia when hearing detained people speaking to  
25

1  
2 each other in their indigenous dialect. Those  
3 overheard simply greeting each other and exchanging  
4 pleasantries have been subsequently harassed and  
5 punished. The food is inedible and causes  
6 significant digestive issues. One recently released  
7 man told me, "It stays in my stomach for eight days."  
8 Medical care is negligent at best and actively  
9 harmful at worst. One man was released from Orange  
10 County Jail in the winter wearing sandals, nearly  
11 completely unable to walk due to an infection in his  
12 toes. He explained that one male clipper is shared  
13 among 60 detained people. My friend who remains  
14 detained today, put in multiple requests to go to the  
15 infirmary to seek medical care for a chronic health  
16 condition. He only received attention after  
17 collapsing multiple times. Those detained at Orange  
18 County Jail have nearly no agency to protect  
19 themselves either from the guards abuse nor from  
20 disease. After the holidays, one detained person  
21 told me that he heard the guards joking amongst  
22 themselves. One of them had tested positive for  
23 COVID and was already back at work three days later.  
24 There's absolutely no care for the health or safety  
25 of those in ICE's custody at Orange County or any

1  
2 detention center. So, seeing firsthand the horrific  
3 impacts of detention on human beings, their families  
4 and their communities, I sincerely beg of you to heed  
5 our call for releases, please do not prolong their  
6 suffering, and help us release those detained, and  
7 close Orange County Jail today. Thank you so much.

8 COMMITTEE COUNSEL: Thank you so much for  
9 your testimony. I'd like to now welcome Nicole Catá  
10 to testify. You may begin when you are ready.

11 SERGEANT AT ARMS: Time starts now.

12 NICOLE CATÁ: Good afternoon Chair Hanif  
13 and members of the Committee. My name is Nicole  
14 Catá, and I am the Director of Immigrant Rights  
15 Policy at the New York Immigrants Coalition. Thank  
16 you for the opportunity to testify about the urgency  
17 of ending ICE detention and to support the scores of  
18 detained immigrant New Yorkers who have protested the  
19 inhumane conditions and perils of ICE detention in  
20 New York State. Currently, New York State permits  
21 localities to collaborate with ICE to forcibly  
22 separate New Yorkers from their families and  
23 communities and detain them in upstate county jails.  
24 For those in jails, prisons, and immigration  
25 detention, COVID-19 has confirmed the racist and

1 heartless underpinnings of our criminal, legal, and  
2 immigration systems. In the early months of the  
3 pandemic it was two detention centers in New York and  
4 California, the Buffalo Federal Detention Facility in  
5 Batavia, and the Otay Mesa Detention Center in San  
6 Diego that reported the highest numbers of COVID-19  
7 positive cases. Rather than take immediate steps to  
8 slow the spread of the disease and protect immigrants  
9 detained at these facilities, ICE ignored the  
10 problem, restricted access to personal protective  
11 equipment and fought against attempts to release  
12 vulnerable immigrant detainees on bond. As we have  
13 heard today, the problem is not restricted to federal  
14 facilities. As of February 8<sup>th</sup>, 2022 there are 279  
15 people detained at the federally-owned facility in  
16 Batavia, 144 people detained at Orange County Jail,  
17 three detained in Clinton County Jail, and two  
18 detained in Rensselaer County Jail. All of them face  
19 heightened risk of COVID-19 because of the conditions  
20 of their confinement. Ending state support for  
21 detention is an urgent public health imperative.  
22 Now, more than two years after COVID-19 was first  
23 detected in the United States, people across the  
24 country and throughout our state are languishing in  
25



1  
2 detention, prisons, and jails, and continue to be  
3 denied basic protective equipment, social distancing  
4 measures, access to necessary healthcare services,  
5 and potentially life-saving release programs,  
6 resulting in a death sentence for many with no  
7 repercussions for those responsible. States and  
8 localities must do everything they can to defend  
9 their residents from the federal deportation machine  
10 and ensure families can stay together, not languish  
11 in jails, prisons, or detention centers. ICE is able  
12 to maintain its detention and deportation system  
13 through the cooperation of state and local  
14 authorities. Our state should no longer funnel any  
15 New Yorkers into ICE custody, and must end its  
16 complicity in the separation of New York City  
17 families and the traumatizing of immigrant  
18 communities. This is why the NYIC supports the New  
19 York for All Act, which would prohibit state and  
20 local officers from enforcing federal immigration  
21 laws and sharing information with federal immigration  
22 authorities, as well as the Dignity Not Detention  
23 Act, which would prohibit state governmental entities  
24 from entering into and renewing immigration detention  
25 contracts with ICE and private companies. Moreover,

1  
2 the NYIC urges the City Council and the Mayor's  
3 Office of Immigrant Affairs to support access to  
4 justice for detained immigrant New Yorkers and fully  
5 fund immigration legal and support services. The  
6 City Council must join the national movement to end  
7 ICE detention--

8 SERGEANT AT ARMS: [interposing] Time  
9 expired.

10 NICOLE CATÁ: and to protect all  
11 residents of our city. I urge the City Council to  
12 support the pre-considered resolution calling on the  
13 New York State Legislature to pass and the Governor  
14 to sign the Dignity Not Detention Act. Thank you  
15 very much.

16 COMMITTEE COUNSEL: Thank you so much for  
17 your testimony. That concludes testimony for this  
18 panel, so I'll turn it to Chair Hanif for any  
19 questions or comments.

20 CHAIRPERSON HANIF: Thank you so much to  
21 the panelists for testifying. Tania, I'd love to  
22 know what support your coalition could use.

23 TANIA MATTOS: Yes, so really what we are  
24 trying to do is apply more pressure to Orange County  
25 Jail, but also the elected officials that weren't--

1 that govern Orange County, because that county is  
2 making money off of our-- of our community members'  
3 bodies. So everyone in that count is complicit. So  
4 I think even if it's, you know, legislator to  
5 legislator conversation, just continuing to apply  
6 pressure to that county as well as the Mayor and  
7 other individuals. I think it's very key to what  
8 we've done in the past and what we're doing, what we  
9 want to do in the future. And of course, when  
10 opportunity comes up to come and testify as the  
11 representative of not just your district, but also of  
12 immigrants, on behalf of the City Council for New  
13 York city immigrants when Albany does decide to, you  
14 know, bring this up as a vote. Your voice would be  
15 very important there. And you know, when-- as well--  
16 I mean, there's so many things we can do. I think  
17 there is an opportunity to go to the jail. You know,  
18 I believe that many of the Council Members,  
19 especially in the Immigration Committee, do have  
20 people that are-- they're constituents. So going  
21 there and advocating for your constituents is also  
22 really important, or writing letters to ICE on behalf  
23 of individuals that are your constituents in the  
24 facility. You know, we do have a list of individuals  
25

1 that are calling for the releases-- of their release.  
2 Right? So, any letter of support for their case is--  
3 would be-- would mean so much to them. So, yeah,  
4 those are just a couple of things that can be done.  
5

6 CHAIRPERSON HANIF: Thank you. We  
7 absolutely want to continue to collaborate and  
8 partner on this. Do you have a sense of how much  
9 Orange County is making from this contract with ICE?

10 TANIA MATTOS: Yes, yes. So we do have  
11 the numbers and these are estimates because we don't  
12 have up-to-date numbers on how many immigrants are  
13 being held at an Orange County Jail right now, but it  
14 is around a million dollars per year, but I can send  
15 you the exact numbers based off of about 80 or so  
16 individuals that were held as of the last numbers  
17 according to us.

18 CHAIRPERSON HANIF: Thank you. And then  
19 a question for Uchechukwu. I don't know if they're  
20 still on. Could you share how homophobic and  
21 transphobic violence play out in detention centers?

22 COMMITTEE COUNSEL: I'm sorry, Chair, I  
23 think that Uchech [sic] has left.

24 CHAIRPERSON HANIF: Okay. We can follow  
25 up later. No additional questions for this panel.

COMMITTEE COUNSEL: Thank you, Chair.

Okay, we're going to be moving on to our next and final panel. Thank you all for your patience today.

In order I'll be calling on Yasmine Farhang, followed by Zachary Ahmad, followed by Emmy Cantos, followed by Gabriela Viera, followed by Matthew Escalante, followed by Hope Johnson, followed by Daniel Attona, followed by Heena Shama. Yasmine Farhang, you may begin your testimony when you are ready.

SERGEANT AT ARMS: Time starts now.

YASMINE FARHANG: Thank you. Thank you to Committee Chair Hanif for holding this hearing and holding it as your first hearing as Chair of the Committee. My name is Yasmine Farhang. I'm the Director of Advocacy at the Immigrant Defense Project, which was founded over 20 years ago to combat the crisis of immigrants being targeted for mass deportation. IDP has devoted specifically for fighting for justice for immigrants caught at the intersection of the racially biased US criminal and immigration systems. So two years into the pandemic, the public health crisis as we know is not over for people who are incarcerated throughout the country including right here on Rikers Island and throughout

1 the state. For immigration New Yorkers who are  
2 subjected to over-policing and who have had contact  
3 with police and the criminal legal system. ICE  
4 entanglement at the local and state levels further  
5 risks ICE detention. Just this month, IDP released a  
6 report together with the center for constitutional  
7 rights and five community members directly impacted  
8 by ICE detention during the pandemic who shared their  
9 stories. This report, cruel by a design, voices of  
10 resistance from immigration detention is linked to in  
11 my testimony, and excerpts are also attached to my  
12 longer written testimony. The narratives of the  
13 community members, I really urge the Council to read  
14 directly, are also attached, and the stories shared  
15 there and by many people today make clear how the  
16 tactics used by ICE put immigrants at further risk  
17 during the pandemic. The past and ongoing organizing  
18 by those who are detained through hunger strikes,  
19 direct action, sign-on letters, and engagement with  
20 the press shine light on the violence in ICE  
21 Detention, and a violence that long pre-dates this  
22 pandemic. So a timeline of developments in  
23 immigration detention as well as a map as the spread  
24 of the virus during-- in immigration detention are  
25

1 also attached to my testimony from the report. As  
2 the stories shared today make clear, the  
3 egregiousness of ICE detention, of its dehumanization  
4 and dangerous conditions is not accidental, and that  
5 is key. Detention itself is used as a way to coerce  
6 immigrants into deportation. Denying liberty is by  
7 design a way to undermine people's ability to fight  
8 their deportation. For immigrant New Yorkers who are  
9 impacted by over-policing and by the racist criminal  
10 legal system, the coercion is all the more acute  
11 because of decades' old provision within the  
12 immigration law that not only allow for but seek to  
13 mandate detention of people with certain convictions.  
14 This often puts people impacted in the unconscionable  
15 position of having to choose whether to be subject to  
16 prolonged detention while they fight their case or  
17 face deportation. There's also a chart laying out  
18 forms of immigration detention attached to this  
19 testimony from the report as well. The crisis of ICE  
20 detention requires us to end the system entirely.  
21 Secretary Mayorkas recently stated that, "ICE is not  
22 the agency of the past," but--

24 SERGEANT AT ARMS: Time expired.

1  
2 YASMINE FARHANG: but it is-- I'll finish  
3 now. But it's focused on making communities safe.  
4 Immigrants in detention are not safe and their  
5 humanity continues to be disregarded. For this  
6 reason we call on the City to use all avenues at its  
7 disposal at the local level by strengthening our laws  
8 to stop the police to deportation and detention  
9 pipeline. But also to be accountable, the City must  
10 publicly recommit to its role as Co-chair of Cities  
11 for Action and advocate for federal policies that  
12 protect all immigrant New Yorkers at greatest risk.  
13 We heard about that a little today and I ask for a  
14 public recommitment from the City on that now. Thank  
15 you so much.

16 COMMITTEE COUNSEL: Thank you so much for  
17 your testimony. Next I'd like to welcome Zachary  
18 Ahmad to testify. You may begin when you are ready.

19 SERGEANT AT ARMS: Time starts.

20 ZACHARY AHMAD: Good afternoon. My name  
21 is Zach Ahmad, and I'm a Senior Policy Counsel at the  
22 New York Civil Liberties Union, New York [inaudible]  
23 ACLU. Our organization has brought multiple lawsuits  
24 on behalf of people in ICE detention in the Orange  
25 County Correctional Facility and the Federal



1  
2 Detention Facility in Batavia, and we've fought to  
3 pass laws and policies to protect the rights of  
4 immigrants across New York State. I want to thank  
5 Chair Hanif and the rest of the Immigration Committee  
6 for holding this important hearing. I know the  
7 Committee has heard a lot of affecting testimony  
8 already today about the alarming conditions at Orange  
9 County and Rensselaer County and the experiences of  
10 the people detained there and the nature of their  
11 contracts with ICE, and we will also be submitting  
12 written testimony. But with my brief remarks today, I  
13 want to urge the Council to adopt Pre-considered  
14 Resolution 225 of 2022 in support of the Dignity Not  
15 Detention Act and also take up and adopt Resolution  
16 1648 of 2021 in support of the New York for All Act.  
17 These are two critical pieces of state legislation  
18 that will work together to help end the immigration  
19 detention and deportation pipelines in New York.  
20 Dignity Not Detention would end the direct and  
21 tangible complicity that counties like Orange have in  
22 enabling immigration detention system [sic]. By  
23 allowing immigration jails to contract with and  
24 profit from ICE detention, New York effectively  
25 allows mass incarceration of immigrants to continue

1  
2 on a scale that would not be possible without the  
3 assistance of county correctional facilities like  
4 these. So banning these contracts is what the law  
5 would do is part of a larger nationwide strategy to  
6 shrink the immigration detention system, and we  
7 appreciate the Council's work. But it's not  
8 sufficient to merely end the renting of jail space.  
9 New York also needs to eliminate the may often less  
10 visible ways of state and local authorities assist  
11 with immigration enforcement such as by sharing  
12 information with ICE, transferring people into ICE  
13 custody, and letting ICE interrogate people in local  
14 custody. That's what New York for All Act would do.  
15 Just as other states like California and Washington  
16 have done and New York City has done to an extent.  
17 New York For All would in multiple ways prohibit  
18 state and local government officials from including  
19 law enforcement, from using their resources and time  
20 on duty to help ICE carry out its' deportation  
21 machine. Finally, while much of the focus of today's  
22 hearing has been on ICE detention contracts that  
23 exist elsewhere in the state, and while New York City  
24 does not rent cell space to ICE in the same way that  
25 counties like Orange do, the City Council cannot

1  
2 ignore the ways in which New York City continues to  
3 funnel people into the deportation pipeline. As has  
4 been discussed a little bit earlier today in the  
5 hearing, the City Council passed multiple laws over  
6 the past decade that restrict the use of immigration  
7 detainers and the use of resources for immigration  
8 enforcement. But each of those laws is hampered by  
9 exceptions and allowed the city to turn people over  
10 to ICE based on their criminal histories or allow law  
11 enforcement to continue partnering with ICE in  
12 certain circumstances. Last June, this committee,  
13 under former Chairperson Carlos Menchaca, held a  
14 hearing to scrutinize the City's continued  
15 cooperation with ICE and there was legislation  
16 introduced, three bills in particular--

17 SERGEANT AT ARMS: [interposing] Time  
18 expired.

19 ZACHARY AHMAD: to begin to close some of  
20 those loopholes in the City's laws. And that  
21 legislation, unfortunately, didn't pass. So while  
22 this committee is examining the relationships that  
23 county jails in New York have with ICE, I just want  
24 to encourage the Council to also take a critical look  
25 at New York City's own dealings with ICE and use its

1  
2 law-making authority to close the gaps in our local  
3 laws. Thank you for the opportunity to testify.

4 COMMITTEE COUNSEL: Thank you so much  
5 for your testimony. I'd like to now welcome Emmy  
6 Cantos to testify. You may begin when you are ready.

7 SERGEANT AT ARMS: Time starts now.

8 EMMY CANTOS: Good afternoon. My name is  
9 Emmy Cantos and I am Raids Response Paralegal at Make  
10 the Road New York. Make the Road New York is one of  
11 three organizations that make up the Rapid Response  
12 Legal Collaborative which is funded by MOIA and the  
13 New York State Office for New Americans. Through the  
14 collaborative we provided hundreds of intakes to  
15 individuals living in our city and state with final  
16 orders of deportation, at imminent risk of ICE  
17 detention and deportation. Through this work we have  
18 seen the terrible impact the detention has had on our  
19 communities. I will be uplifting two stories of our  
20 clients today. Alonzo is a long-time New York City  
21 resident who was detained by ICE in the winter of  
22 '21. Despite not being a priority for enforcement,  
23 he was taken to Orange County Jail where his unit was  
24 placed in a two-week quarantine lockdown due to a  
25 COVID-19 surge. Alonzo stated several times that he

1  
2 was afraid to die of COVID-19 due to the lack of  
3 sanitary conditions, ventilation, and social  
4 distancing. Contracting COVID-19 was even more  
5 dangerous for Alonzo because of his serious  
6 underlying conditions, including his cardiac and  
7 stroke history. Within days of detention, Alonzo was  
8 taken to the emergency room with severe chest pain  
9 and spent four days in the hospital. After-- days  
10 after returning to Orange County Jail, Alonzo was re-  
11 hospitalized for similar reasons. Yet, ICE continued  
12 to detain him, deny his parole request. Only after  
13 weeks of advocacy and public pressure was Alonzo  
14 released back to his loved ones. The aftermath of  
15 his arrest and detention has left him permanently  
16 scarred and hopes his story serves as a reminder of  
17 why detention is inhumane and futile. Another  
18 client, John, was arrested on an early morning this  
19 month during a home raid. Just like Alonzo, John did  
20 not fall under any of ICE's own enforcement  
21 priorities. John has many chronic health conditions  
22 including heart disease and a history of heart attack  
23 and diabetes. Two weeks after he was arrested and  
24 detained, John suffered another heart attack that  
25 required emergency hospitalization and surgery.

1  
2 Despite his fragile health, ICE returned him to  
3 Orange County Jail and placed him in a 24-hour  
4 solitary confinement, per the facility's quarantine  
5 policy. In the week following his discharge from the  
6 hospital, jail staff twice failed to provide John  
7 timely access to his medication. John also struggles  
8 to control his blood sugar levels as the food  
9 provided by the jail is completely unsuited for his  
10 diabetic needs. ICE finally released John from  
11 detention today after weeks of unnecessary damage to  
12 his body and trauma to him and his loved ones. John  
13 should have never been arrested in the first place  
14 and suffered pointless harm to his body and to his  
15 family. With all this in mind, we have three clear  
16 demands that we ask this committee to advocate in  
17 support. First, New York State must end its  
18 relationship with ICE and its complicity in  
19 separating New York families. Second, New York State  
20 and New York City should continue to fund and expand  
21 access to counsel for immigrants in removal  
22 proceedings and in detention. Third, we urge the  
23 Council to pass a resolution to reinforce the need  
24 and importance of Dignity Not Detention Act. I thank  
25 the Committee for this time.

1  
2 COMMITTEE COUNSEL: thank you so much for  
3 your testimony. I'd like to now welcome Gabriella  
4 Viera to testify. You may begin when you're ready.

5 SERGEANT AT ARMS: Time starts now.

6 GABRIELA VIERA: Hi, thank you. My name  
7 is Gabriela Viera and I'm testifying from my home in  
8 Harlem and I'm also the Advocacy Manager at Detention  
9 Watch Network, which is a national coalition of over  
10 200 organizations and individuals across the country  
11 organizing to end the use of immigration detention in  
12 the US. I'm here to testify about the importance of  
13 doing that here in New York and for all immigrants  
14 detained in the state whose lives are in jeopardy at  
15 the hands of ICE. ICE's immigration detention system  
16 has a well-documented history of abhorrent  
17 conditions, including abuse and medical negligence,  
18 and we also know that in times of crisis these  
19 already terrible conditions worsen. For instance,  
20 extended solitary confinement, a practice that's  
21 recognized as torture, becomes a mode of quarantining  
22 the sick. Visits from loved ones which are sometimes  
23 people's only lifeline on the inside are limited or  
24 eliminated entirely. Lack of access to hygiene  
25 products like soap, toilet paper, and masks put

1  
2 people at heightened risk, and opportunities for  
3 release are further narrowed from-- with the  
4 cancellation of court proceeding. The COVID-19  
5 pandemic has brought the exacerbation of all these  
6 abuses and more. And you know, as we've heard  
7 extensively today, New York facilities are no  
8 exception. The Batavia service processing center  
9 reports some of the highest COVID case numbers over  
10 the course of the pandemic in the northeast,  
11 reporting which we also know to be an underestimation  
12 given inconsistent testing and community accounts.  
13 Public health experts have been clear from the  
14 beginning that the appropriate response to free  
15 people from detention-- is to free people from  
16 detention but instead ICE has put at risk both those  
17 detained at the facility as well as New Yorkers on  
18 the outside. Research that DWN conducted regarding  
19 the community impact of ICE's inadequate COVID  
20 practices in detention rates New York as the fifth  
21 most impacted state, estimating that ICE's failure to  
22 respond adequately was responsible for more than 10  
23 percent of cases in the state between May and August  
24 of 2020. Understandably, people want to move forward  
25 from this traumatic experience, but the threat that



1 COVID brings to people's lives is still very real,  
2 especially for those in detention, prisons and jails  
3 who are disproportionately impacted by COVID-19. The  
4 hunger strike that began at Orange County Jail this  
5 month actually joins the at least nearly 100 strikes  
6 that thousands of people in detention have  
7 participated in across the country, just since the  
8 pandemic began, to protest the continuing dangerous  
9 conditions, lack of medical care, abusive treatment  
10 from guards and their right to return to their loved  
11 ones. ICE's retaliatory response is also regrettably  
12 common practice. People navigating their immigration  
13 cases should be able to do so with their loved ones  
14 and community, not just now in the face of a global  
15 pandemic, but always. So what needs to be clear here  
16 is that all the abuses that we-- that have been  
17 detailed throughout this hearing today are endemic to  
18 the system and cannot be resolved or reformed.  
19 Elected officials for too long allowed enforcement  
20 policies to wrongly rule over public safety and human  
21 rights.  
22

23 SERGEANT AT ARMS: [interposing] Time  
24 expired.  
25

1  
2 GABRIELA VIERA: I'm sorry, just one more  
3 second. Speaking from the national perspective and  
4 national advocacy, the Federal Government is failing  
5 to do what they need to do to protect immigrants, and  
6 so the City Council must take on the charge for the  
7 sake of its residents and DWN urges the City Council  
8 to support the resolution calling on New York State  
9 Legislature to join states across the country who are  
10 also moving to end ICE detention by passing the  
11 Dignity Not Detention Act, and ensuring our state is  
12 safe for all those who call it home.

13 COMMITTEE COUNSEL: Thank you so much for  
14 your testimony. I'd like to now welcome Matthew  
15 Escalante to testify. You may begin when you are  
16 ready.

17 SERGEANT AT ARMS: Time starts now.

18 MATTHEW ESCALANTE: Good afternoon. My  
19 name is Matthew Escalante and I'm a student at NYU  
20 School of Law and an advocate in the Law School's  
21 Immigrant Rights Clinic. I'm here to testify about  
22 the importance of supporting the New York Dignity Not  
23 Detention Act, which is presently being considered in  
24 the State Legislature. The Dignity Not Detention Act  
25 gets New York out of the business of immigration

1  
2 detention. The bill prohibits state governmental  
3 entities from entering and renewing immigration  
4 detention contracts with ICE and private companies.  
5 The DND further requires state entities that  
6 currently have a detention contract like Orange  
7 County to terminate the contract with ICE.  
8 Additionally, the bill prohibits any person or  
9 private entity from owning or operating immigration  
10 detention facilities within the state. The DND is  
11 critical in protecting our neighbors, friends, family  
12 members, and communities. As others have so  
13 passionately testified, conditions in detention are  
14 characteristic of the neglect and abuse exacted on  
15 those inside. And the deadly pandemic has only  
16 exacerbated the dangers of detention. Yet,  
17 immigration detention not only dehumanizes the  
18 individuals detained, but also traumatizes their  
19 loved ones and communities. The forced separations  
20 inherent in ICE detention can add some severe  
21 detrimental impact in children's mental and  
22 social/emotional health and further pushes family to  
23 the brink of financial crisis for the detention of  
24 economic providers. Additionally, the DND would  
25 compel even those counties with existing detention

1  
2 contracts but who are not currently detaining anyone  
3 to cut their agreements with ICE; thereby eliminating  
4 a looming threat of violence against immigrant New  
5 Yorkers. The New York DND would reaffirm the State  
6 and the City's commitment to immigrant rights and  
7 racial justice. Immigration detention  
8 disproportionately affects black and brown New  
9 Yorkers, and by ending its contract with ICE, New  
10 York can protect black and Latin-x communities. New  
11 York has already committed itself to ending  
12 incarceration for profit when it passed legislation  
13 that prohibits the operation of private prisons  
14 within the state. Then DND would therefore close a  
15 loophole that has permitted immigrant New Yorkers to  
16 be prisoners for profit in New York for many years.  
17 Similar legislation to the New York DND was  
18 successfully passed and signed into law in Maryland,  
19 New Jersey, California, Washington, and Illinois.  
20 Support of this bill would place New York back as a  
21 national leader in immigrant rights. ICE relies on  
22 the continued cooperation of state and local  
23 authorities to continue its traumatic and inhumane  
24 detention and deportation system. New York should  
25 not funnel any New Yorkers into ICE custody and must

1  
2 ends its complicity in the separation of New York  
3 City families. I urge the members of this committee  
4 to join the national movement to end ICE detention  
5 and protect all residents of our city. I further  
6 implore the City Council to support the resolution  
7 calling on the New York State Legislature to pass and  
8 the Governor to sign the Dignity Not Detention Act.  
9 Thank you.

10 COMMITTEE COUNSEL: Thank you so much for  
11 your testimony. I'd like to now welcome Hope Johnson  
12 to testify. You may begin when you are ready.

13 SERGEANT AT ARMS: Time starts now.

14 HOPE JOHNSON: Thank you. My name is  
15 Hope Johnson and I am a New York City resident, and I  
16 work as a data scientist at the UCLA Law COVID Behind  
17 Bars Data Project. I have a background in health  
18 data analysis and together with my team of data  
19 scientists and health researchers, I spent the past  
20 two years tracking the pandemic in prisons, jails,  
21 and ICE detention centers across the US. My  
22 organization serves as the primary source of data on  
23 the pandemic in ICE detention centers for the centers  
24 for Disease Control and Prevention or the CDC. So  
25 according to data reported by ICE, at least 215

1  
2 people at Batavia Processing Center and at least 28  
3 people detained at Orange County Jail have been  
4 infected with COVID since the start of the pandemic.  
5 The number of confirmed cases that Orange County Jail  
6 rose by 75 percent since Omicron was first detected  
7 in the US. To make matters worse, the population at  
8 Orange County Jail is now 80 percent higher than it  
9 was last year at this time, and high-population  
10 density is a known risk factor for COVID outbreaks.  
11 One outbreak at Batavia beginning on December 17<sup>th</sup>,  
12 2021 lasted for over two weeks straight. We  
13 calculate that there have been at least 80 COVID  
14 outbreaks at Batavia since the beginning of the  
15 pandemic, meaning that that facility has been in a  
16 state of outbreak for more than a quarter of the  
17 entire pandemic. Public health experts have agreed  
18 that releasing people from confinement is the most  
19 effective way to prevent outbreaks in high-risk  
20 settings such as ICE detention centers. Although ICE  
21 has the discretion to release people, instead they  
22 choose to keep individuals detained in over-crowded  
23 facilities where social distancing is impossible, and  
24 infection rates are high. In addition to a high  
25 population density, frequent transfers of people in

1 and out of ICE detention facilities exacerbates  
2 outbreak conditions. In December 2021 alone more than  
3 30,000 people were newly booked into ICE detention  
4 across the US. The fact that transfers are used as a  
5 means of retaliation in New York goes against public  
6 health guidelines and can have deadly consequences  
7 for detained people. Nobody held in ICE detention  
8 was sentenced to death by COVID. This inhumane and  
9 unjust treatment of immigrants does not reflect the  
10 values we share as New Yorkers. Throughout the entire  
11 pandemic, bad data reporting practices have almost  
12 certainly concealed cases in death in ICE detention.  
13 In October of 2021, my organization rated the data  
14 reporting and quality of each correctional agency  
15 across the country with a score card, and we gave ICE  
16 a failing grade. ICE reports no information on  
17 vaccinations at all, nor infections amongst staff  
18 members, and the only testing information ICE reports  
19 is a system wide total. Although there are people  
20 detained in four ICE facilities in New York State,  
21 ICE only reports data for two facilities, Batavia and  
22 Orange County Jail. This information is essential to  
23 public health officials and others who are working  
24 hard to bring the pandemic under control, and ICE's  
25

1 refusal to share data endangers all of us. Now is  
2 the time for New York State officials to take  
3 resolute steps to gain control over COVID in ICE  
4 detention. This starts with releasing people rather  
5 than transferring them. The culture of secrecy and  
6 resistance to oversight within ICE detention presents  
7 a significant threat to public health and safety.

8 Thank you.

9  
10 COMMITTEE COUNSEL: Thank you so much for  
11 your testimony. I'd like to now welcome Daniel  
12 Atonna to testify. You may begin when you are ready.

13 SERGEANT AT ARMS: Time starts now.

14 DANIEL ATONNA: Hi, my name's [inaudible]  
15 Atonna. I'm the Political Coordinator at For the  
16 Many, which is a grassroots organizations based in  
17 Mid-Hudson Valley. We work in Orange County with  
18 undocumented immigrants, so we are very familiar with  
19 the long history of neglect and abuse at Orange  
20 County Jail in Goshen. ICE uses the jail to hold  
21 detainees from New York City, Long Island, and the  
22 Hudson Valley. Tragically, in 2016, a detainee died  
23 there while in ICE custody. Many of the details from  
24 that case remain redacted. Last year, the Immigrant  
25 Rights Clinic at NYU School of Law filed a complaint



1 with the Department of Homeland Security and the  
2 Orange County Sheriff's Office about the treatment of  
3 one of their clients who was identified by his  
4 initials, LGC. LGC was a mentally-ill Mexican  
5 immigrant. He said he has been put in solitary  
6 confinement, given incorrect doses of medication and  
7 verbally abused. He's attempted suicide four times.  
8 LGC's attorney is Molly Lauterback from Brooklyn  
9 Defender Services. She said, "I've called the jail  
10 to report my concerns about his self-injurious  
11 behavior and was told I was wasting their mental  
12 health resources and that he was lying to me, which  
13 was patently untrue, given what I observed with my  
14 own eyes." This pattern of abuse and secrecy has not  
15 improved. Last month, city limits reported on COVID  
16 outbreak at the jail. Organizations providing legal  
17 representation to detainees so that at least 50  
18 detainees had COVID-like symptoms. However, the jail  
19 has not provided access, easy access to vaccines or  
20 new masks. A community member who was held at Orange  
21 County Jail has spoken to my org on the condition of  
22 anonymity. He said that while he was there he was  
23 forced to sign an agreement saying that he got PPE,  
24 when in reality he did not. People who did not sign  
25

1 the form were threatened with beatings. Earlier this  
2 month, For the Many singed onto a multi-org complaint  
3 about the jail to the Department of Homeland Security  
4 Office for Civil Rights and Civil Liberties.  
5 Detailed in the complaint are a series of disturbing  
6 allegations. Detainees have reported being called  
7 racist and xenophobic slurs and yelled at for  
8 speaking Spanish, being beaten, being denied medical  
9 care, and being served food that makes them  
10 physically ill. Andres [sic] said that he witnessed  
11 six officers beat up one unarmed detainee. I quote,  
12 "The officers jumped on him, hitting him. One of  
13 them was holding him down. Another had his knee on  
14 the man's necks. They pepper sprayed him and wouldn't  
15 let him move. He was yelling for help." Other  
16 complaints include scalding hot showers, freezing  
17 cold temperatures in cells, and a lack of clean  
18 clothes. The New York Daily News reported that on  
19 February 16, detainees in the jail began a hunger  
20 strike. One detainee identified by the initials O.F.  
21 said, "The guards reacted to the hunger strike by  
22 threatening to turn off our water." No one should be  
23 treated this way. The United Nations building, it's  
24 here in New York. Every day, American diplomats and  
25

1 dignitaries gather there to discuss problems from  
2 around the world. That's important work but there  
3 are human rights abuses happening right here in our  
4 back yard, and our government is ignoring. For the  
5 Many is calling for the release of all immigrant  
6 detainees back to their communities and the  
7 termination of ICE's contract with Orange County  
8 Jail. We urge the New York City Council to pressure  
9 the State Legislature to pass Senator Salazar's New  
10 York For All Act, which would prohibit state and  
11 local officers from enforcing federal immigration  
12 law, sharing sensitive information with ICE, and--

14 SERGEANT AT ARMS: [interposing] Time  
15 expired.

16 DANIEL ATONNA: New York should welcome  
17 all immigrants, but to do that we cannot welcome ICE.  
18 Thank you.

19 COMMITTEE COUNSEL: Thank you so much for  
20 your testimony. I'd like to now welcome Heena Shama  
21 to testify. You may begin when you are ready.

22 HEENA SHARMA: My name is Heena Sharma,  
23 and I am testifying from Harlem. I'm here to stand  
24 in solidarity with the many detained folks sharing  
25 their stories and using their bodies to make demands

1  
2 for their freedom. We know ICE is incapable of  
3 providing care. They can only destroy lives and  
4 entire communities. There's no amount of language  
5 access, trauma-informed training, bolstering of  
6 staffing, or Know Your Rights training that will  
7 actually protect black and brown communities targeted  
8 by ICE. Even if ICE were to provide better legal  
9 representation, commissary, and access to medical  
10 care and mental health services, we are still sending  
11 the message that some people should be detained as  
12 long as the conditions in prison are humane. Making  
13 legal distinctions about who should be rightfully  
14 detained and deported is conceding that some people  
15 should be in cages. Even if correctional officers  
16 received anti-racism trainings or stop saying racial  
17 slurs, that still would not make it acceptable for  
18 anyone to be detained. As the structure of ICE and  
19 the prison industrial complex themselves are  
20 violently racist. The United States foundations are  
21 rotten to the core, built on stolen land and the mass  
22 genocide of indigenous peoples, built off chattel  
23 slavery of African peoples and their descendants.  
24 Since its founding, the controlling and caging of  
25 racialized others has been the go-to solution of this

1  
2 empire. And since its founding, there have been  
3 efforts to reform these institutions into more  
4 palatable and humanitarian incarceration. It is  
5 beyond time to recognize that reform and half-steps  
6 are not adequate, nor are they acceptable in this  
7 face of enumerable death and violence caused by  
8 incarceration, border control, and ICE. New York  
9 must immediately cease the collaboration with ICE and  
10 end any contract between its jails and the  
11 deportation machine. Ending ICE is the only way we  
12 can attempt to honor the many who have lost their  
13 lives in detention and to bring peace to the many who  
14 are left to heal and grieve. Thank you.

15 COMMITTEE COUNSEL: Thank you so much for  
16 your testimony. That concludes testimony for this  
17 panel, so I'll turn it to Chair Hanif for any  
18 questions or comments.

19 CHAIRPERSON HANIF: Thank you so much. I  
20 don't have any questions for this panel. I just want  
21 to thank all of our panelists for your advocacy and  
22 your organizations for keeping up the good fight.

23 COMMITTEE COUNSEL: Thank you Chair.  
24 We've concluded public testimony at this time. If  
25 we've inadvertently missed anyone that has registered

1  
2 to testify today and has yet to be called, please us  
3 the Zoom raise hand function now and you'll be called  
4 on in the order in which your hand is raised. Okay,  
5 I'm not seeing any hands. So we've concluded the  
6 public portion of this hearing, and I will turn it to  
7 Chair Hanif for closing remarks.

8 CHAIRPERSON HANIF: Thank you. Thank  
9 you. Thank you. Big thanks to the Committee Staff  
10 and my team for six hours of today's hearing, our  
11 first one, and as I mentioned very early on at 10:00  
12 a.m., I'm recovering from a major surgery. I was not  
13 feeling well throughout, and so I just appreciate  
14 your grace with me, and just for holding it together  
15 as we listened to every single testimony today.  
16 Thank you to our interpreters. I was also really glad  
17 to have live captioning today, and I hope to continue  
18 to make these hearings more accessible with improved  
19 interpretation as we go on. I know there was issues  
20 with flow. We will see how to improve and move with  
21 simultaneous interpretation hopefully in the next  
22 hearing. And thank you all so much for tuning in to  
23 our first Immigration Committee Hearing. Thanks to  
24 all who testified, especially our panelists detained  
25 or formerly detained at OCJ for your courageous

1 articulation of the vile disrespectful, inhumane,  
2 unjust-- I could keep going-- conditions, and the  
3 severe aftermath and challenges after release. I've  
4 learned so much and feel even more emboldened and  
5 empowered to be in this work with you all and to  
6 continue this work together, and I look forward to  
7 using the powers of this committee, my powers as  
8 Council Member to advance the Dignity Not Detention  
9 Resolution and the New York For All Act. We are a  
10 city committed to abolishing ICE and ending all forms  
11 of detention and incarceration. Thank you, and I'm  
12 hopeful for all the ways we will co-conspire to  
13 protect all undocumented New Yorkers. I will be  
14 gaveling out.

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16 [gavel]

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COMMITTEE ON IMMIGRATION



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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date March 18, 2022