



128 Dorrance Street, Suite 400
Providence, RI 02903
Phone: (401) 831-7171
Fax: (401) 831-7175
www.riaclu.org
info@riaclu.org

ACLU OF RI POSITION: SUPPORT

TESTIMONY ON 23-S 408, S-410, and S-646, ACTS RELATING TO THE DEPARTMENT OF ADMINISTRATION AND MUNICIPAL DETENTION FACILITY CORPORATIONS March 21, 2023

The ACLU of Rhode Island supports these bills, which would prohibit the establishment of new privately owned detention facilities in Rhode Island, eliminate the state law authorizing municipal detention facility corporations such as the one that created the Wyatt Detention Center, and bar the state from entering into contracts with Immigration and Customs Enforcement (ICE) to house and detain individuals. This legislation would, among other things, address the very important issue raised by Wyatt’s incarceration of civil immigrant detainees under a contract that the facility entered into with ICE in 2019.

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

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

Because this legislation applies prospectively only and would allow Wyatt to continue until its contracts come up for renewal, its passage does not raise the same concerns – and litigation – that previous attempts to close the facility created. For all these reasons, the ACLU supports these bills.

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

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