

Assembly Floor Alert Support: AB 263 (Bonta)

NextGen California strongly supports AB 263 (Bonta). This bill provides accountability and oversight with respect to public health and worker safety in private detention facilities in our state. The enforcement of public health orders in these facilities remains a challenge, particularly in light of the fact that private prison companies that operate pursuant to federal contracts have operated as though they are not subject to our state's laws.

At present, California is home to seven private detention facilities. Of these seven, six are privately operated civil detention facilities that hold up to 7,200 individuals at any given time. To date, there have been COVID-19 infections reported at all of these facilities, and consistent disregard for public health and worker safety.

An example of this is the Otay Mesa Detention facility in San Diego, owned and operated by the CoreCivic corporation. This facility is used by the federal government to house immigrant detainees subject to civil detention. In the summer of 2020, a massive outbreak of COVID-19 hit this facility, resulting in more than two hundred cases among detainees and staff. Employees at the facility alleged that CoreCivic did not care about their safety, while detainees inside were reportedly asked to sign legal waivers before being given masks, and pepper sprayed when they protested in refusal.¹

Advocates concerned about the public health implications of this outbreak reached out to the San Diego Public Health Department and inquired about this facility. In reviewing the documents provided by the Department, an email correspondence was shared between a local public health officer and the Warden of CoreCivic. The email concerned a recommendation by the public health department, pursuant to guidance by the California Department of Public Health regarding testing at detention facilities (CDPH). They requested CoreCivic test its staff, a reasonable requirement given the scale of the outbreak. The warden of CoreCivic responded, "Just so we're clear - at this point we have no intention to mass test our staff."²

This blatant disregard for public health orders by private corporations engaged in the practice of detention in our state must be addressed, particularly during a pandemic which spreads in congregate settings such as detention facilities.

California must ensure that all facilities in its territory respect public health guidance and orders, and are part of a coordinated and clear plan to safeguard our residents, protect our community and eventually reopen our state. AB 263 would empower local public health departments to do the job that only they are qualified to do, and make it clear that private prison companies cannot operate above the law, and must protect those they detain as well as those whom they employ.

For the reasons stated above we strongly urge your support for AB 263 (Bonta).

¹ Elliot Spagat "How the coronavirus spread through Otay Mesa Detention Center in San Diego" The Associated Press , July 19, 2020 <https://www.cbs8.com/article/news/health/coronavirus/how-the-coronavirus-spread-through-otay-mesa-detention-center-in-san-diego/509-15a45f6c-b25b-4eb1-a35d-fa60613cd058>

² Public Health Disclosures shared by Immigrant Defense Advocates, pg. 16 <https://imadvocates.org/wp-content/uploads/2020/12/Appendix.pdf>