



AB 263 (Bonta) – The HOLD Act: The Health Oversight and Leadership in Detention Act

(as introduced January 15, 2021)

SUMMARY

California is home to six private detention facilities, operated by for-profit private corporations. One of the six indicators put forth by Governor Newsom’s plan to reopen the state is the ability to prevent COVID-19 outbreaks in facilities that are vulnerable to infection, including detention facilities. All six of these private facilities have been the site of COVID-19 outbreaks. Five of these facilities are operating under federal contracts which require detention operators to abide by state and local public health orders.

In an effort to ensure compliance with public health orders during the COVID-19 pandemic, California must ensure public health and safety laws are followed in every detention facility in the state.

BACKGROUND

At present, California is home to five privately operated civil detention facilities that have the capacity to hold more than 5,600 individuals at any given time, with future plans to expand to as many as 7,200. There is also one private prison still in operation with a contract with CDCR until 2023.

Private detention facilities in the state of California pose a unique and critical challenge with respect to public health and safety during the COVID-19 pandemic. The potential humanitarian crisis posed by the spread of COVID-19 in private immigration detention facilities in California can have disastrous consequences for those detained in these facilities, as well as neighboring communities.

During a pandemic in which the actions of a few can impact the wellbeing of so many, accountability for private prison operators is paramount. While the consequences of COVID-19 in private detention are dire for those detained, it should be of grave concern given the significant challenges this potential outbreak has for California as a whole. Outbreaks in these facilities can quickly overwhelm local hospitals and drain medical resources, threatening community health and public safety.

THE NEED FOR THE BILL

Civil detention facilities which house immigrants have requirements in their federal contracts with respect to health and safety. This includes language requiring each facility to “comply with current and future plans implemented by federal, state or local authorities addressing specific public health issues including communicable disease reporting requirements.”

In addition to the mandatory requirements related to public health, the federal government has issued broad requirements related to the day to day operations of these facilities, including requirements related to health and safety in these facilities. Based on reports in the press and by those detained inside these facilities, it appears that these private corporations routinely violate the health and safety requirements for these facilities in their daily operations, and have not followed public health orders or protocols.

California must take steps to clarify that all private detention facilities in the state must abide by state and local public health orders. This

would ensure the statewide coordination that will be needed to secure our state during the COVID-19 pandemic. California must also ensure that all of these facilities are following occupational health and safety regulations in their operations.

SOLUTION

This bill would:

- State that any private detention facility operator shall comply with, and adhere to, all local or state public health orders and occupational health and safety regulations.
- Clarify that all facilities must abide by health orders and safety regulations.
- Empower local and state public health officials to issue public health orders for private facilities, informed by the latest information on COVID-19.
- Ensure CAL/OSHA safety regulations are followed in facilities.
- Be consistent with federal law and contracts, and would create a uniform standard for private operators to comply with.

This bill includes an urgency clause due to the immediate legislative attention needed to address the public health crisis in detention centers during the current pandemic.

SUPPORT

Immigrant Defense Advocates (Sponsor)
NextGen (Co-Sponsor)
Physicians for Human Rights (Co-sponsor)
CA Collaborative for Immigrant Justice (Co-sponsor)
ACLU of CA
Advancing Justice-LA
Alianza Sacramento
Buen Vecino
California Pan-Ethnic Health Network

Campaign for Immigrant Detention Reform (CIDR)
Center for Gender & Refugee Studies
Central Valley Immigrant Integration Collaborative
Clergy and Laity United for Economic Justice
Coachella Valley Immigrant Dignity
Community Legal Services in East Palo Alto
CRLA Foundation
Disability Rights California
Dolores Street Community Services
Ella Baker Center
Familia: Trans Queer Liberation Movement
Hand in Hand: The Domestic Employers Network
Human Rights Watch
ICE Out of Marin
Immigrant Defenders Law Center
Immigrant Legal Defense
Inland Equity Partnership
Law Office of Helen Lawrence
Los Angeles Human Rights Initiative
NorCal Resist
Oasis Legal Services
Public Law Center
Reiki Center of the East Bay
Riverside Sheriffs' Association
San Joaquin College of Law - New American Legal Clinic
Secure Justice
Southeast Asia Resource Action Center (SEARAC)
Southern California Providers for Health Equity
STEP UP! Sacramento
University of San Francisco Immigration & Deportation Defense Clinic
VIDAS Legal Services (North Bay)

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