



ASSEMBLYMEMBER JOAQUIN ARAMBULA, M.D. 31ST ASSEMBLY DISTRICT

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

Summary

California is home to seven private detention facilities that are operated by for-profit private corporations, all of which have been the site of COVID-19 outbreaks. These facilities are operating under federal contracts that require detention operators to abide by state and local public health orders. 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.

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 seven privately operated civil detention facilities that have the capacity to hold more than 7,200 individuals at any given time.

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.

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.

This bill

AB 263:

- 1) States 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;
- 2) Clarifies that all facilities must abide by health orders and safety regulations;
- 3) Empowers local and state public health officials to issue public health orders for private facilities, informed by the latest information on COVID-19;
- 4) Ensures CAL/OSHA safety regulations are followed in facilities;
- 5) Is consistent with federal law and contracts, and would create a uniform standard for private operators to comply with;
- 6) 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 (Co-Sponsor)
- NextGen (Co-Sponsor)
- Physicians for Human Rights (Co-Sponsor)
- CA Collaborative for Immigrant Justice (Co-Sponsor)



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Support Cont.

Immigrant ACLU of CA
Advancing Justice-LA
Alianza Sacramento
American Academy of Pediatrics, CA
Buen Vecino
California Attorneys for Criminal Justice
California Collaborative for Immigrant Justice
California Immigrant Policy Center
Campaign for Immigrant Detention Reform
California Pan-Ethnic Health Network
California Public Defenders Association
California Valley Immigrant Integration Collaborative
Center for Gender & Refugee Studies
Central Valley Immigrant Integration Collaborative
Centro Legal de la Raza
Clergy and Laity United for Economic Justice
Coachella Valley Immigrant Dignity
Coastside Immigrant Action Group
Community Legal Services in East Palo Alto
County Health Executives Association of CA
CRLA Foundation
Disability Rights California
Dolores Street Community Services
Ella Baker Center for Human Rights
Familia: Trans Queer Liberation Movement
Hand in Hand: The Domestic Employers Network
Health Officers Association of CA
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
National Association of Social Workers, CA Chapter
NorCal Resist
Oakland Privacy
Oasis Legal Services
Phi Delta Epsilon of UCLA
Physicians for Human Rights
Public Law Center
Reiki Center of the East Bay
Riverside Sheriffs' Association
San Francisco Marin Medical Society
San Francisco Public Defender
San Joaquin College of Law - New American Legal Clinic

Secure Justice
SIREN (Services, Immigrant Rights and Education Network)
Southeast Asia Resource Action Center
Southern California Providers for Health Equity
STEP UP! Sacramento
UCLA David Geffen School of Medicine
Unitarian Universalist Legislative Ministry, CA
University of San Francisco Immigration & Deportation Defense Clinic
VIDAS Legal Services (North Bay)
Worksafe

For More Information

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