



AB 3228 (Bonta) – Accountability in Detention Act *(as amended August 10th, 2020)*

Summary

AB 3228 seeks to provide accountability for health and safety in all private detention facilities in the state of California. In the wake of COVID-19 accountability in private detention facilities is an urgent issue to protect public health and human life. This bill would ensure that all detention facility operators in the state of California adhere to the minimum detention standards agreed upon in the contract for the facility. The bill provides for a cause of action in state court for any violations of the agreed upon standards. The bill would also ensure that detention facilities abide by and uphold basic human rights and standards in the treatment of civil detainees.

Background

California is home to five civil detention facilities used to detain immigrants. As it stands the total number of individuals detained in this state is set to expand to 7,200 this year.

The threat of COVID-19 spreading to these facilities is substantially higher than other detention facilities, as a much larger volume of individuals are moved through these facilities in a shorter period of time. Individuals are often transferred between multiple facilities in a short period of time, compounding the risk of exposure in multiple facilities.

Four out of five of these facilities are operated by private for-profit corporations, holding an estimated 90% of the detained population. These facilities lack transparency, accountability and a system to enforce uniform detention standards.

Inadequate health and safety standards, access to proper medical care, and mistreatment and death have been documented in these facilities.

The need for the bill

During this public health crisis it is imperative that California takes steps to protect its residents and institute uniform and adequate standards for detention facilities within its borders.

As such, California seeks to ensure compliance and consistency with respect to standards, and is empowered to monitor conditions within such facilities. California also seeks to provide a remedy to individuals subject to harm by third party operators, who are acting outside of the instructions and requirements of their mandate.

Each civil detention facility is operated through a contract which provides for specific standards with respect to the treatment of detainees. This bill will ensure that private operators abide by these standards, particularly with respect to health and safety.

Solution

AB 3228 would:

1. Require any immigration detention facility operator to adhere to the standards that they have agreed to in their facility's contract.
2. If a private detention facility operator, agent or person acting on behalf of facility operator violates such standards, an individual who has been impacted by that tortious action may bring a civil action for injunctive and or other relief.

Support

Immigrant Defense Advocates (Sponsor)
Alameda County District Attorney's Office
Alianza Sacramento
ACLU California
ACLU NorCal/SoCal and Imperial Counties
Alameda County District Attorney's Office
Alianza Sacramento
American Friends Service Committee
Asian American Pacific Islander Christians for Social Justice
Asian Prisoner Support Committee
Asylum Sponsorship Project
Bay Area Asylum Support Coalition
California Collaborative for Immigrant Justice
California Faculty Association
California Federation of Teachers
California Immigrant Policy Center
California Immigrant Youth Justice Alliance
California Partnership
California Public Defenders Association
Campaign for Immigrant Detention Reform
Center for Empowering Refugees and Immigrants
Center for Gender and Refugee Studies
Central American Resource Center of San Francisco
Central Valley Immigrant Integration Collaborative
Centro Legal de la Raza
Clergy and Laity United for Economic Justice
Coalition for Humane Immigrant Rights (CHIRLA)
Communities United for Restorative Youth Justice
Council on American-Islamic Relations
Contra Costa Immigrant Rights Alliance
Desert Support for Asylum Seekers

Disability Rights California
Do No Harm Coalition
Dolores Street Community Services
Education and Leadership Foundation
Ensuring Opportunity Campaign to End Poverty in Contra Costa
Freedom for Immigrants
ICE Out of Marin
Immigrant Legal Defense
Immigrant Legal Resource Center
Immigration Task Force
Indivisible Sausalito
Inland Coalition for Immigrant Justice
Jewish Action NorCal
Kehilla Community Synagogue
League of United Latin America Citizens
Legal Aid at Work
Long Beach Immigrant Rights Coalition
McGeorge School of Law Immigration Clinic
National Association of Social Workers, CA Chapter
NextGen California
NorCal Resist
North Bay Rapid Response Network
Oakland Privacy
Oasis Legal Services
OneJustice
Pacifica Social Justice
Pangea Legal Services
PICO California
Public Law Center
Rapid Response Network of Monterey
Resilience Orange County
Resource Generation
Riverside Sheriffs' Association
Sacramento Immigration Coalition
San Diego Immigrant Rights Consortium
San Francisco Public Defender
San Francisco Rapid Response Network
San Joaquin College of Law – New American Legal Clinic
Santa Cruz Barrios Unidos
Secure Justice
Shomeret Shalom Global Congregation
SIREN: Services Immigrant Rights and Education Network
Stand Together Contra Costa
Step Up Sacramento
Tahirih Justice Center
The Multicultural Center for Marin
USF Immigration and Deportation Clinic
Wellstone Democratic Renewal Club

Vidas Legal Services and Comite

Opposition

None on file.

Contact

Maheen Ahmed

Legislative Director

Office of Assemblymember Rob Bonta

Maheen.Ahmed@asm.ca.gov

916-319-2018