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September 2, 2020

Honorable Gavin Newsom  
Governor of California  
Capitol Building, 1st Floor  
Sacramento, CA 95814

**RE: AB 3228 (Bonta) – REQUEST FOR SIGNATURE**

Dear Governor Newsom:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, **supports AB 3228 and requests your signature.**

This bill would require any private detention facility operator to comply with, and adhere to, the detention standards of care and confinement agreed upon in the facility's contract for operations. It would define a private detention facility as a detention facility operated by a private, nongovernmental, for-profit entity pursuant to a contract or agreement with a governmental entity. If a private detention facility commits a tortious action that violates the requirement to comply with detention standards of care and confinement, the bill would allow an individual who has been injured by that tortious action to bring a civil cause of action for relief. The bill would also allow the court to award a prevailing plaintiff reasonable attorney's fees and costs.

Pursuant to state and federal laws, DRC has broad authority to protect and advocate for the rights and interests of people with disabilities, including authority to investigate incidents of abuse or neglect; to monitor facilities and programs serving individuals with disabilities; to pursue administrative,

legal, and other appropriate remedies to ensure the protection of the rights of people with disabilities; and to provide information and training on, and referral to, programs and services addressing the needs of people with disabilities. That authority includes access to public and private entities providing services and supports to individuals with disabilities, and to information and records prepared or maintained by these entities pertaining to such individuals in carrying out their responsibilities. The authority also extends to facilities used to house or detain noncitizens for the purpose of civil immigration custody.

Pursuant to this authority, DRC investigated the conditions within the Adelanto Detention Center, one of the largest privately-operated for-profit immigration detention facilities in the United States, located in the City of Adelanto in San Bernardino County, a facility that would presumably be prohibited by AB 32. The facility is owned and operated by a private contractor, the GEO Group, Inc., pursuant to an Intergovernmental Service Agreement between the Department of Homeland Security's Immigration Customs Enforcement (ICE) and the City of Adelanto. We conducted a tour of Adelanto's facilities and completed interviews with ICE and GEO Group leadership, facility staff, and Adelanto detainees. We reviewed thousands of pages of relevant policies, procedures, and forms as well as individual detainee records.

Following that investigation, DRC released a report in March 2019: "There is no Safety Here: The Dangers for People with Mental Illness and other Disabilities in Immigration Detention at GEO Group's Adelanto ICE Processing Center." (<https://www.disabilityrightsca.org/reports/adelanto>) That report detailed our key findings:

1. People held at Adelanto are subjected to punitive, prison-like conditions that harm people with disabilities.
2. Adelanto has an inadequate mental health care and medical care system, made worse by the facility's counter-therapeutic conditions and practices.
3. GEO Group significantly underreports data on the number of suicide attempts that occur at Adelanto.
4. Adelanto's system fails to comply with disability antidiscrimination laws as well as ICE's detention standards regarding the treatment of people with disabilities.

From those findings our report concluded:

Conditions at Adelanto pose serious risks to people with mental illness and other disabilities. The situation demands action. Access to treatment and disability-related accommodations must improve, and steps to reduce unnecessarily punitive conditions at the facility must be a top priority. At the same time, given the extraordinary risks and the harms to people with mental illness and disabilities detained at Adelanto, it is essential to ask: Is it *necessary* to imprison this population? Are there less restrictive and less damaging alternatives that better serve the country's constitutional freedoms and commitment to the rights, safety, and dignity of all?

We believe that facilities that do not comply with contractual standards of care pose significant risks to the detainees because of the conditions in which they are operated. When conditions in a detention facility fall below prevailing legal and other standards, it is people with disabilities who are among the most likely to suffer the harms that result. This is particularly true during the current pandemic where the virus has been infecting detainees and resulting in deaths. This bill properly holds these facilities to meeting their contractual obligations and provides enforcement remedies and potential fines for their failures.

For these reasons, DRC supports this bill and requests your signature. Please contact me if you have any questions about our position or if I can provide any further information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Curtis Child". The signature is fluid and cursive, with a large initial "C" and "A".

Curtis Child  
Legislative Director  
Disability Rights California

cc: Honorable Rob Bonta, California State Assembly  
Maheen Ahmed, Legislative Director, Office of Assembly Member  
Bonta

Jessica Devencenzi, Deputy Legislative Secretary, Office of  
Legislative Affairs  
Mitchell Rosenberg, Legislative Assistant, Office of Legislative Affairs