

September 4, 2020

The Honorable Gavin Newsom  
California State Capitol, Suite 1173  
Sacramento, California 95814

**Re: AB 3228 (Bonta)  
REQUEST FOR SIGNATURE**

Dear Governor Newsom:

The American Civil Liberties Union of California respectfully requests your signature on AB 3228 (Bonta), which provides a long-overdue mechanism to address numerous violations of detention conditions in California's civil detention facilities.

California is home to more immigrants than any other state. In light of that responsibility, we have taken appropriate steps to protect immigrant communities, including investing in legal services, providing oversight of detention facilities, and curbing the expansion of private detention facilities. Now COVID-19 outbreaks are ravaging these facilities due to federal neglect and indifference. ICE has refused to engage in universal testing of people they detain or staff working at facilities, and has gone so far as to block plans by private contractors to engage in testing. The true extent of COVID-19 in ICE facilities is unknown given ICE's failure to test people or treat symptomatic individuals. In the Mesa Verde facility, over half of the approximately 100 individuals in detention are COVID-positive. Sanitary conditions and access to PPE remain extremely limited months into this pandemic. Indeed, according to a federal court, evidence shows that ICE has "avoided widespread [COVID-19] testing of staff and detainees . . . not for lack of tests, but for fear that positive test results would require them to implement safety measures that they apparently felt were not worth the trouble." (*Zepeda Rivas v. Jennings*, No. 20-CV-02731-VC, 2020 WL 4554646, at \*1 (N.D. Cal., Aug. 6, 2020).) Although ICE has received about 1,900 COVID-19 test kits for the Adelanto detention facility, it has refused to allow the vast majority of them to be used.

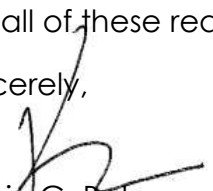
Detention in California is set to expand to approximately 7,200 total beds, with potentially tens of thousands of individuals moving through these facilities in a calendar year. Immigrant detention facilities operate under a subpar inspection regime that lacks accountability. Despite the fact that ICE sets specific standards in their detention contracts for the condition of facilities, violations are routinely met with indifference, even when they result in death. In 2019, the California Attorney General released a report documenting the conditions in private detention facilities, including: prolonged periods of confinement; significant language barriers, compromising medical and legal confidentiality; difficulties with access to medical and mental

health care; obstacles to external communication; and limitations on detainees' abilities to contact family or other support systems.<sup>1</sup>


AB 3228 begins to address these problems by ensuring that all detention facility operators in California adhere to the minimum detention standards agreed upon in the contract for the facility, providing a necessary enforcement mechanism.

For all of these reasons, the ACLU of California urges your signature on AB 3228.

Sincerely,



Kevin G. Baker  
Legislative Director



Maya L. Ingram  
Legislative Attorney

cc: Assemblymember Rob Bonta

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<sup>1</sup> California Department of Justice, Immigration Detention in California (Feb. 2019), available at <https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/immigration-detention-2019.pdf>.