



August 27, 2020  
Governor Gavin Newsom  
1303 10th Street, Suite 1173  
Sacramento, CA 95814

**RE: SUPPORT AB 3228 Private Detention Facilities (Bonta)**

Dear Governor Newsom,

We write to you as pro bono and non-profit legal service providers serving California residents detained in immigration detention facilities throughout the state. We write to express our grave concern with respect to the health and safety of those detained during the COVID-19 pandemic. **We ask that you take action on this issue by signing AB 3228, a bill designed to ensure accountability and protect the rights of individuals in the custody of for-profit detention operators.**

California is home to five detention facilities, which currently hold as many as 5,000 individuals in detention, with thousands cycling through each year. Despite ICE’s claims that they would limit enforcement during this pandemic, attorneys continue to see individuals placed into detention at an alarming rate. Of those detained, an estimated 95% are held in facilities operated by for-profit corporations, with a track record of negligence, inhumanity and placing their financial interests above the needs of detainees or staff.

To date there have been COVID-19 infections reported at all four private facilities, with an outbreak of over 160 individuals occurring at the Otay Mesa detention facility that was reportedly the largest in the country.<sup>1</sup> In addition there is an ongoing outbreak of COVID-19 at the Mesa Verde Detention facility, with more than half of all detainees being diagnosed with the virus.<sup>2</sup> Attorneys from Centro Legal de la Raza have reported to Immigrant Defense Advocates that individuals inside the facility have had to plead with GEO to obtain COVID-19 tests.

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<sup>1</sup> Otay Mesa COVID-19 Outbreak Now the Largest At A US Immigration Facility  
<https://www.kpbs.org/news/2020/apr/14/otay-mesa-detention-center-now-largest-immigration/>  
<sup>2</sup> Sam Morgan “More than half the detainees at Mesa Verde ICE facility test positive for coronavirus, lawyers say”,  
[https://www.bakersfield.com/news/more-than-half-the-detainees-at-mesa-verde-ice-facility-test-positive-for-coronavirus-lawyers/article\\_bce1efec-e0df-11ea-a993-4b972666fc74.html](https://www.bakersfield.com/news/more-than-half-the-detainees-at-mesa-verde-ice-facility-test-positive-for-coronavirus-lawyers/article_bce1efec-e0df-11ea-a993-4b972666fc74.html) Bakersfield.com, August 17, 2020

Attorneys have also documented violations of protocols surrounding the medical screenings of individuals being transferred into these facilities.<sup>3</sup>

We have received reports of and documented numerous instances in which for-profit operators in these facilities violate their standards of care, putting the lives of those inside at risk.

A clear example of this is the death of Choung Woohn Ahn, a 74-year-old man who was negligently placed in solitary confinement, despite a history of attempted suicide. Mr. Ahn reportedly committed suicide at the Mesa Verde detention facility, which is operated by the GEO Group. GEO violated their own detention standards when they placed him in solitary confinement without proper supervision. His death is unacceptable and could have been avoided.

ICE has proven reluctant to terminate contracts with operators who routinely violate the standards set forth in their contracts, or to provide meaningful levels of oversight or enforcement. AB 3228 provides a mechanism through which violations of specific standards can lead to legal action, and provides meaningful recourse and consequences for these operators.

AB 3228 would create a civil cause of action for the violations of mandatory requirements that exist in private detention contracts. The bill would not create an additional regulatory structure, nor cost the state money in terms of oversight, inspections or intervention. It would simply provide a clear path for harmed individuals to obtain redress for negligent breaches of contractual obligations by for-profit immigrant detention operators.

AB 3228 will provide a critical means of ensuring compliance and accountability from private immigrant detention operators that to date have shown more interest in their stock prices than the health and safety of those in detention.

We therefore ask that you sign AB 3228 to protect the health and safety of immigrants in detention in our state.

Sincerely,

California Collaborative for Immigrant Justice (CCIJ)  
Centro Legal de la Raza  
Center for Gender and Refugee Studies (CGRS)  
Central American Resource Center - Los Angeles (CARECEN)  
Community Legal Services in East Palo Alto

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<sup>3</sup> For ongoing updates on litigation surrounding the facility consult the docket for Zepeda Rivas v. Jennings (3:20-cv-02731) District Court, N.D. California

Dolores Street Community Services  
Jewish Family & Community Services East Bay  
Immigrant Defenders Law Center (ImmDef)  
Immigrant Legal Defense (ILD)  
The Law Office of Helen Lawrence  
Open Immigration Legal Services  
Pangea Legal Services  
Vital Immigration Defense Advocacy and Services (VIDAS)