Overview
AB 3228 provides accountability for health and safety in all private detention facilities in the state of California, by regulating the conduct of private detention operators.

The law seeks to ensure that detention facilities abide by and uphold basic human rights and standards in the treatment of detainees, and provides for a legal remedy when they do not. The bill establishes a cause of action in state court when an individual is harmed as a result of violations of detention standards.

Summary of Bill Language
Any private detention facility operator shall comply with, and adhere to the detention standards of care and confinement agreed upon in the facility’s contract for operations.

If a private detention facility operator, or agent of a private detention facility, or person acting on behalf of a detention facility operator, commits a tortious action which violates this law, an individual who has been injured by that tortious action may bring a civil action for relief. In civil actions brought pursuant to this law, the court, in its discretion, may award the prevailing plaintiff reasonable attorney’s fees and costs, including expert witness fees.

Immigration Detention facilities covered:
- Otay Mesa Detention Center - Capacity 1,970
- Mesa Verde ICE Processing Center - Capacity 400
- Golden State Annex - Capacity 800
- Adelanto ICE Processing Center - Capacity 1,940
- Imperial Regional Detention Facility - Capacity 782

Applicable Standards
- ICE’s Performance Based National Detention Standards
- The Prison Rape Elimination Act of 2003 (PREA)
- ICE COVID-19 Pandemic Response Requirements
- CDC’s Guidance for Correctional and Detention Facilities

Examples of potential claims
- Use of force
- Misuse of solitary confinement
- Failure to provide adequate medical care
- Failure to provide proper COVID-19 screening
- Failure to provide PPE
- Retaliation against detainees
- Use of or exposure to chemical agents

1 This total includes individuals detained by ICE as well as the U.S. Marshall Service
2 To confirm exact standards check the facility contract.