

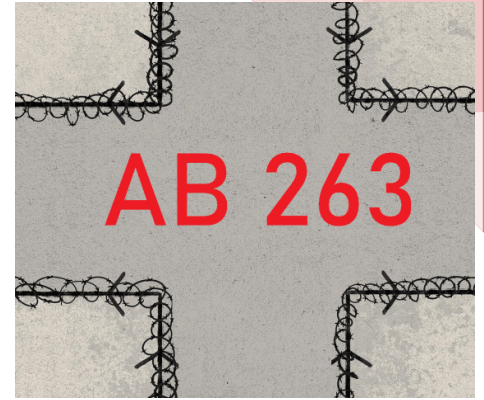
AB 263

Health Oversight and Leadership in Detention

Overview

AB 263 clarifies that private immigrant detention facilities in California must comply with all state and local public health orders, and workplace health and safety (OSHA) regulations.

To date private detention facilities have routinely ignored public health orders, and argued that they were not subject to public health oversight. This bill clarifies this question once and for all, and provides clear direction to state and local public health authorities with respect to facilities that previously operated in a legal gray area.



Summary of Bill Language

A private detention facility operator shall comply with, and adhere to, all local and state public health orders and occupational safety and health regulations.

Implementation Goals

- 1.) **Outreach & education with public health authorities** - State agencies and public health departments have provided conflicting statements with respect to their authority over private immigration detention facilities. This includes claiming that they do not have jurisdiction to act, or that these facilities exist outside of their scope of responsibility.¹ Outreach and education should be conducted to ensure that these agencies understand the clear authority they have under AB 263.
- 2.) **Track implementation of existing public health orders** - A number of public health orders have been issued in the state of California that should apply to these facilities. A first step for implementing AB 263 is to ensure compliance with these orders, and flag ongoing issues in these facilities.
- 3.) **Advocate for the creation of strategic public health orders** - Public health authorities have broad discretion to protect communities by issuing health orders. Given that private detention facilities pose unique challenges to public health, advocates may be able to push for specific orders tailored to address key issues in these facilities, including but not limited to, e transfers, COVID tests, facility capacity, and medical access.

Existing Public Health Orders

- [Employee Vaccine Mandate](#) (8/19/21)
- [Guidance for the Use of Face Coverings](#) (7/28/21)
- [Employee Vaccination and Testing Guidance](#) (7/26/21)

Potential Issues for Future Orders

- Vaccine access and information (access to public health officials for administration and information)
- Facility transfer protocols
- Medical care standards and protocols
- COVID-testing and PPE

¹ Examples include CA Surgeon General stating “There are some real complex jurisdictional issues that are at play,” with respect to providing vaccines to immigrants in detention. Kern County Public Health Department also released a statement on Mesa Verde, stating the department “does not have jurisdiction over the center.” See: Ana Ibarra, “Immigration detention centers showcase California’s vaccine chaos” *Cal Matters* <https://calmatters.org/health/coronavirus/2021/02/immigrants-detention-centers-vaccine/>