



April 6, 2020

The Honorable Governor Gavin Newsom
State of California State Capitol
Sacramento, CA 95814

Dear Governor Newsom,

We want to thank you for your tremendous leadership during a dire time in our state. Faced with the current coronavirus pandemic, California must take immediate steps to prevent the unnecessary loss of human lives in immigration detention and surrounding communities. On any given day, there are 5,600 individuals in detention in California, with thousands more cycling through the system each year. The first confirmed case of COVID-19 in a California immigrant detention facility was reported on March 31st, with an employee at the Otay Mesa Detention Center in San Diego testing positive. In addition, more recently, a case of a detainee and second employee who also tested positive have been confirmed.

With your partnership, we made history last year by passing AB 32 (Bonta), a law to ban for-profit private prisons and detention centers, and have inspired other states to do the same. However, private prison companies are still operating four out of the five immigrant detention facilities in our state, and have a horrific track record with respect to human rights and medical care.

In light of the unprecedented situation we now face, we urge your office to protect the health, safety and legal rights of those detained in California by:

- Issuing an executive order requiring all detention facilities to abide by the minimum standards of care enumerated in their private contracts, and create a civil action for any violations of these standards.
- Issuing an executive order which would extend protections for access to courts and counsel already in existence under Title 15 Minimum Standards for Local Detention Facilities, to all private civil detention facilities. In addition, providing non-profit legal service providers emergency resources to coordinate the mass representation of individuals in these facilities who are eligible for release.

We believe that California can play an effective role in ensuring accountability and minimum standards in these facilities, while empowering our local advocates to protect

the legal rights and secure the release of those who are detained. This strategy will allow California to continue to protect its residents, ensure human rights, and prevent a catastrophe in immigrant detention facilities.

Immigrant detention facilities operate under a subpar inspections regime, particularly when a private operator is involved. The lack of accountability with respect to oversight and conditions in these facilities is the result of an inadequate inspection and compliance scheme. Despite the fact that ICE sets specific conditions standards in their detention contracts, violations of these standards are routinely met with indifference, even when they result in death. With COVID-19 we can expect a dramatic spike in illness and death unless we act now to ensure that operators in our state comply with the standards set forth in their contracts. California must make it a legal requirement that private operators be bound by the standards they agreed to in their contracts, and create a cause of action at the state level for violations of these contracts.

Given the failure of ICE to exercise discretion in releasing individuals from these facilities, the state must provide resources to actively support efforts to secure the release of individuals in these facilities who are eligible for legal relief as well particularly vulnerable populations such as those with underlying medical conditions. This includes funding to support emergency efforts to provide the following services:

- Pro bono legal screenings and consultations in detention facilities will allow attorneys to identify possible options for legal relief and release from detention. Increasing access to counsel for this population- which is not even guaranteed that basic right - is paramount during this time.
- Coordinated referrals and data sharing between service providers in various regions of our state will facilitate a more robust effort to address this emergency situation.
- Partnerships with community organizations to coordinate bond payments, post release assistance and ongoing legal support will allow individuals to be safely reunited with family

These orders will not only serve as a viable and humanitarian solution to an evolving crisis, but will save lives and reunite families in California, particularly at a time where families need to find safety together. Together we must do all that we can to ensure that this population is able to reach safety and security. If you have any questions, please do not hesitate to contact Assemblymember Bonta's Legislative Director, Maheen Ahmed, at Maheen.Ahmed@asm.ca.gov or by calling (916) 319-2018.

Sincerely,



Rob Bonta

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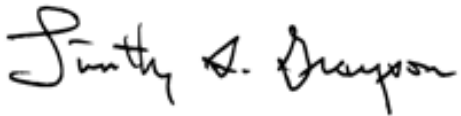
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