Resolution supporting California State Senate Bill 1289, authored by Senator Lara, to prohibit private for-profit companies from operating immigration detention facilities in California, and to require that all detention facilities protect detainees’ essential health and human rights.

WHEREAS, In California there are currently four privately run immigration detention facilities that hold well over 50% of detainees statewide, including people who are undocumented, asylum seekers, long time green card holders and others who are waiting for their immigration hearing; the remainder are held in county jail facilities contracted with United States Immigration and Customs Enforcement (ICE); and

WHEREAS, Private immigration detention contracts are often designed to incentivize filing the most beds at all times, regardless of the safety and impact on vulnerable communities, all while not being subject to public transparency tools such as the Freedom of Information Act (FOIA); and

WHEREAS, The Department of Justice on August 18, 2016, announced that they would be phasing out all use of private prisons because they do not meet the standards of public correctional facilities, including the safety levels, according to a report by the Department’s Office of the Inspector General; and

WHEREAS, Immigration law is civil and does not afford the same protections as our criminal justice system, and there is no government-appointed counsel resulting in the vast majority of detained immigrants fighting their cases without an attorney; and

WHEREAS, Conditions at many immigration detention facilities nationwide including in California have been found to have substandard care ranging from physical, sexual abuse,
poor access to healthcare, poor access to legal counsel, overuse of solitary confinement and

even death; and

WHEREAS, LGBTQ immigrants in detention are a particularly vulnerable population

who have experienced additional abuse including being placed in solitary confinement and

being placed in housing pods not in accordance to their own gender identity, resulting in

cases of sexual abuse; and

WHEREAS, California State Senate Bill 1289 (SB 1289, the Dignity not Detention Act)

was introduced in the 2016 California legislative cycle by State Senator Ricardo Lara, co-
sponsored by the Immigrant Legal Resource Center and CIVIC, and has passed both the

state Senate and Assembly and is now on the Governor's Desk, and if signed into law would

(1) Stop the creation and renewal of certain contracts with for-profit immigration detention

facilities, (2) create a law in California that all facilities follow ICE's 2011 Performance Based

National Detention Standards, (3) provide additional protections for detained LGBTQ

immigrants including prohibiting the use of solitary confinement simply because of being

LGBTQ and ensuring that housing pods are assigned in accordance to an immigrant's own

gender identity; and (4) provide enforcement mechanisms if the aforementioned protections

are violated; and

WHEREAS, SB 1289 sends a strong message that California stands against mass

incarceration of immigrants and inhumane detention conditions; now, therefore, be it

RESOLVED, That the San Francisco Board of Supervisors states their support for SB

1289 and urges California Governor Jerry Brown to sign SB 1289 into law; and, be it

FURTHER RESOLVED, That a copy of this Resolution be delivered to the Offices of

California Governor Jerry Brown and Senator Lara.
Resolution supporting California State Senate Bill 1289, authored by Senator Lara, to prohibit private for-profit companies from operating immigration detention facilities in California, and to require that all detention facilities protect detainees' essential health and human rights.

September 13, 2016 Board of Supervisors - ADOPTED
Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

I hereby certify that the foregoing Resolution was ADOPTED on 9/13/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board