

ORANGE COUNTY REGISTER

Detaining immigrants for profit a bad business to be in

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The American immigration detention system, much like the criminal justice system, has gone unchecked for far too long. Ostensibly predicated on the safety and security of Americans, our immigration system detains hundreds of thousands of men, women and children, despite clear evidence that effective alternatives to detention not only exist, but are cheaper and more humane.

Sen. Ricardo Lara, D-Bell Gardens, has proposed getting California out of the business of detaining immigrants for profit and ensuring compliance with humane and respectful immigration detention standards. Known as the Dignity Not Detention Act, Senate Bill 1289 proposes several notable reforms to California's participation in this system.

Most significantly, the bill proposes to prohibit city and county governments from contracting with private companies, like the GEO Group and Corrections Corporation of America, from operating immigration detention centers. These companies currently operate some of the largest detention centers in the state, including the Adelanto Detention Facility in San Bernardino County.

The bill also requires, and makes enforceable, the 2011 Operations Manual ICE Performance-Based National Detention Standards, which outline various requirements for detaining entities. SB1289 would make it possible to take civil action against those in violation of those standards.

"Our state and local governments should not be complicit in this practice of profiting off of human suffering," said Lara in a statement. "This critical first-in-the-nation legislation would make the currently unenforceable national immigration standards the law of the land in the golden state."

If enacted, the statewide implications are significant. Since most immigrant detainees in California are held in privately operated facilities, the bill would make it difficult for immigrants to be detained in the state. Local governments could conceivably allot jail space for the job – like Orange County and Santa Ana – though this ought to be a difficult task given the number of jails that are well overcrowded.

In Orange County and Santa Ana, the chief consequence of the bill would be added leverage in ensuring compliance with ICE's detention standards, which they claim to do.

"Orange County is already obligated to follow the standards, so if the county is truly already complying, I think it should applaud Senator Lara for trying to create a right to humane treatment in immigration detention," said Christina Fialho, co-executive director of Community Initiatives for Visiting Immigrants in Confinement. Fialho and her organization, which sponsors the bill, have raised numerous issues with immigration detention in Orange County and Santa Ana over the past year.

On Dec. 4, CIVIC filed a complaint to the Department of Homeland Security on behalf of 10 current or former detainees at the Theo Lacy Facility in Orange who alleged physical abuse, medical neglect and prolonged periods of isolation. The complaint came after hunger strikes were launched by immigrant detainees, including many asylum seekers, at Theo Lacy and the James A. Musick Facility in Irvine.

In January, CIVIC filed a complaint against the Santa Ana City Jail on behalf of 31 women who reported traumatizing and arbitrary strip searches, which Fialho characterized as "state-sanctioned sexual assaults." The Santa Ana City Council has since indicated its intention to get out of the business of immigration detention, rejecting a proposed expansion of its contract with ICE in February.

As a nation predicated on respect for the individual, it is abhorrent that the best we seem to be able to do with immigrants and asylum seekers is to treat them like serious criminals, particularly when alternatives to

detention itself exist. Like community-based programs revolving around case management and monitoring, as has been done by the Lutheran Immigration and Refugee Service.

Lara's bill is at least a starting point for what should become a national discussion about the extent to which we rely on detention.

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