

ORANGE COUNTY REGISTER

Santa Ana distances itself from immigration agency in rare rejection of jail contract expansion

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SANTA ANA – Responding to outcry by immigration and LGBT activists, the Santa Ana City Council has rejected a request by immigration officials to expand a jail contract that includes a one-of-a-kind detention facility for gay, bisexual and transgender detainees.

Federal immigration officials have long touted the facility at the Santa Ana Jail as a more humane and safer way to handle the vulnerable population.

But local LGBT and immigration advocates instead have called for its closure, seeing the detention of anyone whose immigration status is in question by the federal government as inhumane – and the Santa Ana

facility as a symbolic slight in the heart of Orange County’s Latino immigrant population.

At the Tuesday meeting, Councilwoman Michele Martinez criticized City Manager David Cavazos for bringing the jail proposal before the council, which she said has made clear it wants to move in the opposite direction; she even called for phasing out the existing contract with U.S. Immigration and Customs Enforcement entirely.

“We were having discussions within the community. We were saying that we were going to put a plan together to remove ourselves from ICE. This is not a plan for removing, this is expanding,” Martinez said. “I’m not sure what happened, Mr. City Manager.”

Cavazos recommended that the council approve the amendment because the jail is running a \$27 million debt, projected to run through 2024, and the contract amendments would bring in \$2.2 million annually. The proposed expansion would have increased the number of detainees it could handle to 300 from 200.

“There is no increase in beds, but we would be able to take more people to fill beds that are vacant,” Cavazos said. “We would be in a better position long term to repay our debt.”

ICE spokeswoman Virginia Kice indicated in an email Wednesday that the transgender detainee facilities, at least, could be moved following Tuesday’s vote.

“The agency’s goal is to find facility partners willing to adopt the best practices related to the care of transgender individuals,” she said.

The proposed contract called for a five-year amendment to a contract with ICE expiring June 30, 2020, which would include a 128-bed guarantee for LGBT detainees and increase the maximum number of all ICE detainees awaiting immigration proceedings to 300 from 200.

Santa Ana Jail is the only site in the United States where LGBT immigration detainees are held in housing modules separate from the general population, giving them access to the jail’s standard amenities, according to the immigration enforcement agency.

But after dozens of comments from LGBT and immigration rights activists, council members unanimously rejected the contract amendment in a rare move.

Santa Ana Jail entered into a contract with ICE in 2006 and began housing LGBT detainees in 2011. In 2012, ICE signed a contract modification and agreed to pay for an entire housing module – 64 beds in two-person cells with a shared dayroom open from 7 a.m. to 11 p.m. – for LGBT detainees, according to Jail Administrator Christina Holland.

Last August, the jail moved transgender detainees into one 64-bed housing module and gay and bisexual detainees into a separate housing module. The jail around that time also increased how much ICE pays the city per detainee daily, from \$82 to \$105.

ICE opted to pay only for occupied beds, meaning general population detainees could move into the housing modules with LGBT detainees. In part because the jail did not reach capacity, Holland decided against mixing populations of different sexual orientations.

“Operationally, it would not have been safe and it would have been a nightmare,” the jail administrator said.

Also last year, ICE officials explored transferring transgender detainees from the Santa Ana Jail to the Adelanto Detention Facility in San Bernardino, but advocates for the detainees opposed the plan, saying Adelanto is farther from legal services and support groups. ICE backed off.

Had the contract amendment been approved Tuesday, ICE would have paid for all 128 beds in the transgender housing module as well as the gay and bisexual housing module. Holland said ICE chose Santa Ana for its only such operation because of the jail’s style of operation, which is “very comfortable,” she said. “They’re not locked cells with bars; it’s not a traditional jail setting.”

Councilman David Benavides on Tuesday said he was “wrestling” with the issue before the vote.

“Either way, for us in the city of Santa Ana, folks are going to be detained and held somewhere,” Benavides said, “and would it be the case where the city of Santa Ana would be able to be a place that would (be known for) providing dignity and a respectful way to be housed?”

Christina Fialho, an attorney in Costa Mesa and co-founder of the nonprofit Community Initiatives for Visiting Immigrants in Confinement, questioned whether transgender and other detainees are treated appropriately anywhere.

“We want to see an end to immigrant detentions in the U.S.,” Fialho said. “There are alternatives to detention that are much more humane, less costly and don’t destroy the fabric of our communities.”

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