

GUIDE TO: **DIGNITY NOT DETENTION**



**FREEDOM
FOR IMMIGRANTS**

A Guide to Dignity Not Detention In Your State

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Freedom for Immigrants.

Printed in the United States of America.

Cover Design by Liz Martinez.

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Freedom for Immigrants

Freedom for Immigrants is a national nonprofit organization, headquartered in California. Formerly known as Community Initiatives for Visiting Immigrants in Confinement (CIVIC), Freedom for Immigrants is devoted to abolishing immigration detention, while ending the isolation of people currently suffering in this profit-driven system. We visit and monitor 43 immigrant prisons and jail, and we run the largest national hotline for detained immigrants. Through these windows into the system, we gather data and stories to combat injustice at the individual level and push systemic change. **Learn more at www.freedomforimmigrants.org.**

Immigrant Legal Resource Center

The mission of the Immigrant Legal Resource Center (ILRC) is to work with and educate immigrants, community organizations, and the legal sector to continue to build a democratic society that values diversity and the rights of all people. The ILRC has offices in California and Washington, D.C. **Learn more at www.ilrc.org.**

A Guide to Dignity Not Detention In Your State

The Dignity Not Detention Act, passed in 2017 in California, is the first law in the United States to halt immigration detention growth and create more transparency and accountability in immigration detention. This is a huge step forward because California detains a quarter of all people in immigration detention each year. What California does has a dramatic effect on the immigration detention context nationally.

The Dignity Not Detention Act in California was co-sponsored by Freedom for Immigrants (formerly Community Initiatives for Visiting Immigrants in Confinement - CIVIC) and the the Immigrant Legal Resource Center (ILRC) and pushed forward by a coalition of community groups including California Immigrant Youth Justice Alliance (CIYJA), Immigrant Youth Coalition (IYC), and Human Rights Watch. It was authored by Senator Ricardo Lara and co-authored by Senator Skinner and Assembly Members Gipson, Gonzalez, and Fletcher. This bill was first introduced in 2016 as SB 1289 but was vetoed by Governor Jerry Brown. In 2017, this effort became law through two separate bills, SB 29, and an amendment to the state budget, AB 103.

While these new California laws are not perfect, they are a huge step forward. Collectively, the two bills halt immigration detention growth in California. The moratorium was achieved because California is able to regulate its cities and counties, and all but one of California's contracts involves local government. The moratorium applies to private facilities as well, since three of our four privately-run immigration detention facilities contract with a city as well. For the privately-run immigration detention facility that does not contract with a city, we were unable to prevent expansion; this can only be achieved through federal legislation. However, we included language to require more public transparency and a specific public comment period for whenever a privately-run immigration detention facility is trying to expand, buy, or lease property.

These bills also bolster oversight of existing facilities. SB 29 ensured that private immigration detention facilities are subject to the California Public Records Act, which is the state's open record law. Currently, private immigration detention facilities are generally exempt from Freedom of Information Act (FOIA) or most state open record laws.

In addition, the bill gave the State Attorney General the power and resources (\$1,000,000 per year for 10 years) to monitor *all* immigration detention facilities (private and public) in the state.

Our goal in passing these bills was to impact the national immigration detention landscape, not just California. We believe other states can follow in California's footsteps and even go a few steps further. In this guide you will find more information about SB 29 and AB 103 as well as model language for building a Dignity Not Detention Act campaign in your state. Ultimately, our goal is to outlaw immigration detention in the United States through a Congressional bill, making Dignity Not Detention the law of the land.

Freedom for Immigrants has been working with Senator Kamala Harris of California and Congresswoman Pramila Jayapal to introduce a bicameral bill to prohibit the expansion of immigration detention and improve oversight of these facilities. For updated information, please check out: <https://www.freedomforimmigrants.org/policy-advocacy>

Freedom for Immigrants and the Immigrant Legal Resource Center want to work with you to run these bills in your home state. We encourage you to contact Christina Fialho at CFialho@freedomforimmigrants.org, Liz Martinez at LMartinez@freedomforimmigrants.org, or Grisel Ruiz at GRuiz@ilrc.org for more information. To learn more about how 501(c)3 nonprofit organizations can engage in advocacy and lobbying, check out organizations such as the Alliance for Justice.



SB 29 SIGNED!



An economy based upon the confinement of people for profit is immoral, and now in the state of California, its expansion is illegal.

SB 29, coupled with AB 103, tells the federal government loud and clear that California will not be a future partner in the expansion of this broken and abusive system.

SB 29

Law as of January 2018

Checks private immigration jail growth:

- Local government entities (city, county, law enforcement) will no longer be allowed to enter into any new immigration jail contracts with private prison corporations.
- Local government entities with existing private contracts will be prohibited from expanding the number of contract beds.

Increases transparency:

- If a local government entity tries to convey land or issue a permit for a private prison corporation to run an immigration jail, the local government must first 1) provide public notice 180 days before and 2) must hear public comments in at least two public meetings. This allows communities to get notice and organize!
- Makes clear that any immigration jail contracting with a local government entity is subject to the California Public Records Act (ensuring the public right to request records).

Introduced by State Senator Lara
Coauthors: State Senator Skinner and
Assembly members Gipson and Gonzalez
Fletcher, ILRC, CIVIC

AB 103

Law right now

Checks public immigration jail growth:

- Local government entities (city, county, law enforcement) will no longer be allowed to enter into any new immigration jail contracts.
- Local government entities with existing public contracts will be prohibited from expanding the number of contract beds.

Increases Accountability in all immigration jails:

- Establishes the first state-funded mandate to review conditions in all immigration jails in California. The Attorney General will review both public/private and adult/juvenile immigration jails. The first review is due March 1, 2019 and all reports will be submitted to the Legislature, the Governor, and will be made public.

Policies advocated by State
Senators Lara and State Senator
Skinner

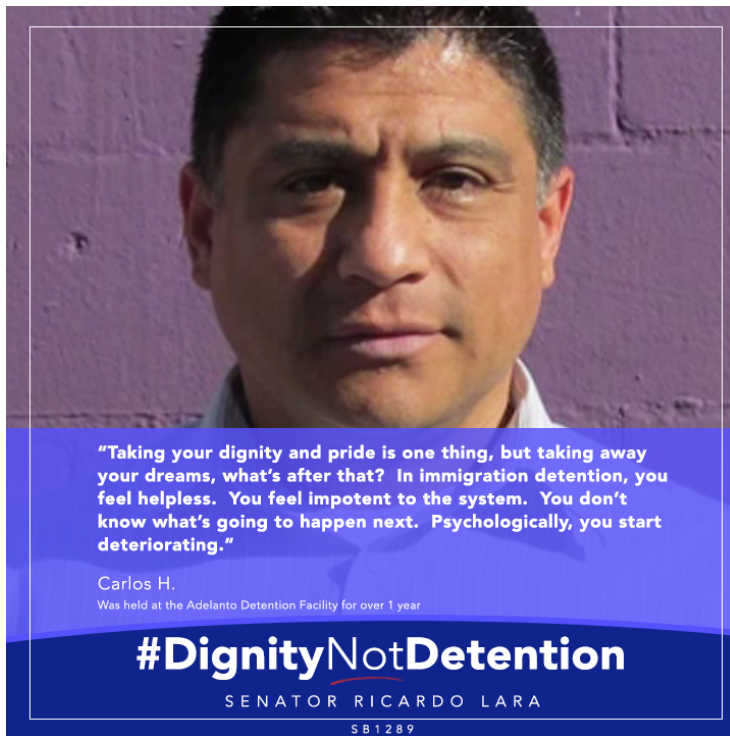
November 2017

CIVIC
end isolation



Dignity Not Detention Act Model Legislation

This simple guide is designed to help organizations and communities draft and pass a Dignity Not Detention Act. The purpose of a state-level Dignity Not Detention Act is to stop or check private and public detention growth as well as increase transparency and accountability in any remaining facilities.



Collaborating with Criminal Justice Partners:

Where possible, we encourage immigration advocates to reach out to criminal justice allies to explore mutual campaigns. Incarceration impacts communities of color across the board, and it may be that there are local allies aiming to reduce or abolish criminal custody as you are civil immigration custody. See if a mutual campaign makes sense. For example, placing a moratorium on *all* private jail expansion, including civil immigration¹ and criminal custody.

What's in this Guide?

1. Section I of this guide provides a step-by-step guide for best practices for initiating state legislation.
2. Section II provides an overview of the model bill language in easy-to-understand terms.
3. Section III provides model language you can use to propose to your legislators a Dignity Not Detention Act.

I. How to Pass Dignity Not Detention

Step 1. Contact us so we can help you through each of the following steps.

Step 2. Research immigration detention contracts in your state.² How many contracts do you have, who are the parties to these contracts, and which local actors are involved, if any? Also, look into who is detained at these facilities. For example, how many people are typically detained there and what types of populations? You can determine the number of detention facilities, the number of people held in these detention facilities, and the cost for taxpayers per person per day in these facilities by looking at Freedom for Immigrants' map. View it here: <https://www.freedomforimmigrants.org/detention-statistics/>.

¹ Contact Freedom for Immigrants or ILRC for guidance on potentially outlawing all private civil custody, as your state may be engaging in other types of civil custody besides immigration.

² Check out this advocacy and organizing tool by the Detention Watch Network and the National Immigrant Justice Center, paying particular attention to pages 3 and 4 that provide an overview of contractig schemes: <https://www.detentionwatchnetwork.org/sites/default/files/NIJC%20DWN%20Contracts%20Inspections%20Toolkit.pdf> Please also note that sometimes ICE chooses to enter into an intergovernmental service agreement with a city, which in turn enters into a contract with the private prison corporation; this is done so that the private prison corporation can circumvent open market competition for federal dollars, and the federal government does not have to issue an RFP and entertain the federal bidding process.

Step 3. Research pro-immigrant legislation in your home state and determine what state legislators and organizations have been leading on these issues. Similarly, be conscious of anti-immigrant legislation and related legislators and local groups.

Step 4. Reach out to other organizations to see if they are interested in working in coalition to pass the bill. Coalition work was crucial in making Dignity Not Detention a reality in California.

Step 5. Determine which legislator would be the ideal person to author this bill. Set up a meeting.

Step 6. In the meeting, provide the legislator with section II and section III of this manual, and explain the importance of this issue to your state. Be prepared to articulate the problem and how this bill addresses the problem. For example, the problem is the dire conditions in detention, driven in some facilities by the profit motive in private facilities. This bill responds by increasing transparency and showing the public what is happening in these facilities, and by stopping the growth of these harmful facilities. Be ready to educate your legislator on immigration detention more broadly and to talk through how the bill might impact their district in particular.

Step 7. Once you have found an author for the bill, we suggest launching the bill with a press conference. Here is our joint press release with Senator Lara and the ILRC: <http://bit.ly/2FZSHBF>

Step 8. If you haven't already, confirm your a coalition of organizations, consisting of people directly affected by immigration detention, attorneys, and organizers to help bring the bill forward. Here, it is crucial to be organized. Set up regular coalition calls or meetings (e.g. every other week). Pushing a state bill can be time consuming and a coalition makes the work manageable while ensuring that everyone's voice is heard. Often, coalition members will have different roles. For example, communications people, attorneys, organizers, policy researchers, impacted community members, and others: All of these are valuable and will have key roles throughout the campaign. Ensure that you maintain communication with the author of the bill throughout.

Step 9. Once the bill has been introduced, work with your author's office to ensure that you have a firm sense of the various deadlines in your state's legislative session. For example, there will likely be key committee hearings, floor votes or other key junctures where you will need to lobby in advance. Create an excel spreadsheet of all legislators, and determine which organizations will be reaching out to each legislator. Work with the bill author to create a lobby packet, including a bill one-pager and other background materials to bring to each meeting.

Step 10. When the bill is brought to a committee or floor vote, there may be opportunity to provide public testimony. In addition to the author of the bill, it may make sense for someone who is directly affected to speak and one of the nonprofit leaders of this bill to speak.

Step 11. Work with your author's office to determine when letters of support are needed for the bill. Draft model support letters for other organizations to easily fill out and submit (with clear directions on submission). The more letters you can get from organizations, sheriff's departments, and cities the better! You will have an opportunity to provide each arm of the legislature and the governor with these letters.

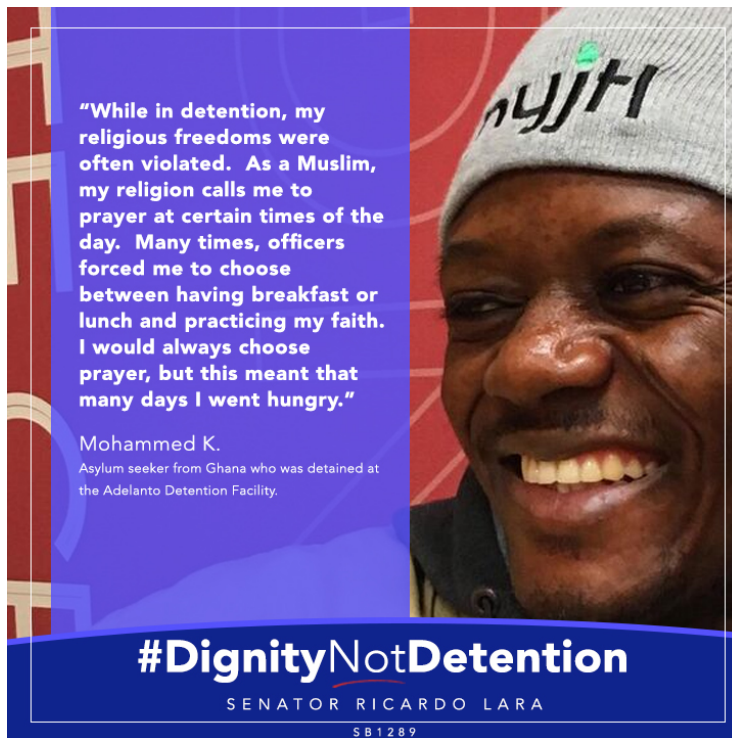
Step 12. Create a press plan for the entire legislative session. This can be skeletal but it is helpful to have a sense of the potential press needed throughout the session. For example, you may consider dropping key op eds in certain districts or strategic press events at the state capital. (See Appendix A for a list of media examples and Appendix B for sample talking points.)

Step 13. If the bill passes the legislature, you may need to place pressure on the governor's office to get a signature. This may include press, getting influential people/groups to reach out to the Governor, meeting with the Governor's office, and other tactics.

II. Overview of What Each Section Accomplishes

SECTION 1.

Section 1 provides an overview of the intent of the legislature with passing the bill. This section is usually drafted by legislative staff.



SECTION 2.

Based on the politics and desires of your community, you can decide whether to seek a moratorium on immigration detention expansion or work to abolish county jail and private immigration detention contracting in your state. Please note the difference between halting new contracts in sections 2(a) and 2(b) and stopping a facility from renewing an existing contract in section 2(d). Section 2(d) will end that contract.

Sections 2(a) and 2(b) essentially put a moratorium on immigration detention expansion by municipal-run jails and private facilities contacting with a municipality. Specifically, section 2(a) prevents cities and counties not currently contracting with ICE or any other federal agency or a private prison company from contracting for immigration detention purposes. Section 2(b) prevents cities and counties currently contracting with ICE or any federal

agency or private corporation for immigration detention purposes from expanding the number of beds in their contracts.

Sections 2(c) and 2(d) seek to eliminate private immigration detention facilities. Section 2(c) prevents cities and counties currently contracting with a private immigration detention facility from renewing their contract at the end of the contract term. ICE chooses to enter into an intergovernmental service agreement with a city, which in turn enters into a contract with the private prison corporation; this is done so that the private prison corporation can circumvent open market competition for federal dollars, and the federal government does not have to issue an RFP and entertain the federal bidding process. While ICE will still be able to contract directly with the private prison, ICE will have to go through a formal federal bidding process. States may not be able to regulate privately-run immigration detention facilities that are not in contract with a city or county; we encourage you to be in touch with us and we can point you to legal resources to help you make this determination. That said, private prison companies have to buy or lease land or obtain a permit for new construction for a city or county. So, section 2(d) requires public notice and comment whenever a city or county issues any permit or sells or lease

property to an immigration detention facility. Section 2(d) provides the community with at least a larger window to organize the community in opposition of any permits or other conveyances.

Ultimately, the only way to stop ICE from contracting with all private immigration detention facilities in your state is to either pass federal legislation or ban private prisons in your state completely; however, because most state governments use private prisons for state prisons, the latter is often not tenable, as was the case in California.

Section 2(e) makes any immigration detention facility subject to state open record laws, if the facility has a contract with a city or county.

SECTION 3.

Section 3 concerns accompanied and unaccompanied minors. The Homeland Security Act of 2002 gave the Office of Refugee Resettlement (ORR) custody over unaccompanied minors. Federal law requires that ORR feed, shelter, and provide medical care for unaccompanied children until it is able to release them to safe settings with sponsors (usually family members), while they await immigration proceedings. However, the federal government, including ICE, still detains accompanied and unaccompanied minors in locked facilities, such as juvenile jails.

Section 3(a) prevents cities and counties not currently contracting with the federal government from entering into future contracts to detain immigrants under the age of 18 in juvenile halls or other locked detention facilities. Section 3(b) prevents cities and counties currently contracting with the federal government to detain immigrants under the age of 18 in juvenile halls or other locked detention facilities from expanding the number of beds in their contracts. Section 3(c) makes it clear that this does not apply to facilities that are not “locked” facilities, such as ORR shelters.

SECTION 4.

Although cities and counties cannot renew contracts with ICE in order to expand bed space, it can renew the contract. When it does, section 4(a) makes them subject to the 2011 ICE Performance-Based National Detention Standards (PBNDS) and an ICE Directive on solitary confinement, which are currently only guidelines that are not legally enforceable. Section 4(b) allows the facility to go beyond the 2011 PBNDS. Section 4(c) makes it clear that the facility cannot deprive a person in immigration detention of access to attorneys or BIA representatives, and section 4(d) protects LGBTQ immigrants from being placed in solitary confinement or the wrong housing unit. Section 4(e) gives the state Attorney General the ability to bring a lawsuit against any facility that fails to comply with section 4.

SECTION 5.

This section and its subsections mandate that the state Attorney General shall review all private and public immigration detention facilities, including the private immigration detention facilities that are not in contract with a city or county. And these sections provide guidance on how to do so. California’s AB 103 gave this power over a period of 10 years, but other states do not need to set a limit. If at the end of the 10 years in California, it is clear that these facilities are not operating properly, then the reasoning is that the state could choose to take more drastic steps against all private prisons and immigration detention facilities. Freedom for Immigrants recommends a 5 to 10 year period, ideally concluding on or before 2028 so that together we can push for the abolition of the immigration detention system. Having a time limit also may be a more reasonable sell for more conservative legislators.

SECTION 6.

This section protects against challenges to the bill. If a lawsuit is brought against this bill and a portion of the bill is found to be invalid, this section makes it clear that only that section will be void, rather than the entire bill.

III. Model Bill Language

SECTION 1.

The Legislature finds and declares the following:

(a) In keeping with its obligation to safeguard the humane and just treatment of all individuals located in **[State]**, it is the intent of the Legislature that this bill declare that the state does not tolerate profiting from the incarceration of people held in immigration detention and the state's desire to ensure the just and humane treatment of our most vulnerable populations.

(b) It is the further intent of the Legislature to ensure the uniform treatment of individuals detained within immigration detention facilities, operating in **[State]**, in a manner that meets or exceeds the federal national standards and other applicable legal requirements.

SECTION 2.

(a) A city, county, city and county, or local law enforcement agency that *does not*, as of **[DATE LAW WILL GO INTO EFFECT]**, have a contract with the federal government or any federal agency or a private corporation to house or detain noncitizens for purposes of civil immigration custody, shall not, on and after **[DATE LAW WILL GO INTO EFFECT]**, enter into a contract with the federal government or any federal agency or a private corporation, to house or detain in a locked detention facility noncitizens for purposes of civil immigration custody.³

(b) A city, county, city and county, or local law enforcement agency that, as of **[DATE LAW WILL GO INTO EFFECT]**, *has an existing contract* with the federal government or any federal agency or a private corporation to detain noncitizens for purposes of civil immigration custody, shall not, on and after **[DATE LAW WILL GO INTO EFFECT]**, renew or modify that contract in a manner that would expand the maximum number of contract beds that may be utilized to house or detain in a locked detention facility noncitizens for purposes of civil immigration custody.

(c) A city, county, city and county, or local law enforcement agency that, as of **[DATE LAW WILL GO INTO EFFECT]**, *has an existing contract* with a private corporation to detain noncitizens for purposes of civil immigration custody, shall not, on and after **[DATE LAW WILL GO INTO EFFECT]**, enter into or renew a contract, or modify a contract to extend the length of the contract.

(d) A city, county, city and county, or public agency shall not, on and after **[DATE LAW WILL GO INTO EFFECT]**, approve or sign a deed, instrument, or other document related to a conveyance of land or issue a permit for the building or reuse of existing buildings by any private corporation, contractor, or vendor to house or detain

³ We encourage you to explore opportunities to work with criminal justice allies, especially on aspects of a bill like this that attack the private prison industry.

noncitizens for purposes of civil immigration proceedings unless the city, county, city and county, or public agency has done both of the following:

(1) Provided notice to the public of the proposed conveyance or permitting action at least 180 days before execution of the conveyance or permit.

(2) Solicited and heard public comments on the proposed conveyance or permit action in at least two separate meetings open to the public.

(e) Any facility that detains a noncitizen pursuant to a contract with a city, county, city and county, or a local law enforcement agency is subject to the **[INSERT YOUR STATE OPEN RECORD OR PUBLIC RECORD LAW]**.

SECTION 3.

(a) A city, county, city and county, or local law enforcement agency that does not, as of **[DATE LAW WILL GO INTO EFFECT]**, have a contract with the federal government or any federal agency to house or detain any accompanied or unaccompanied minor in the custody of or detained by the federal Office of Refugee Resettlement or the United States Immigration and Customs Enforcement is prohibited from entering into a contract with the federal government or any federal agency to house minors in a locked detention facility.

(b) A city, county, city and county, or local law enforcement agency that, as of June 15, 2017, has an existing contract with the federal government or any federal agency to house or detain any accompanied or unaccompanied minor in the custody of or detained by the federal Office of Refugee Resettlement or the United States Immigration and Customs Enforcement shall not renew or modify that contract in such a way as to expand the maximum number of contract beds that may be utilized to house minors in a locked detention facility.

(c) This section does not apply to temporary housing of any accompanied or unaccompanied minor in less restrictive settings when the State Department of Social Services certifies a necessity for a contract based on changing conditions of the population in need and if the housing contract meets the following requirements:

(1) It is temporary in nature and nonrenewable on a long-term or permanent basis.

(2) It meets all applicable federal and state standards for that housing.

SECTION 4.

(a) If a city, county, city and county, or a local law enforcement agency renews a contract or modifies a contract to extend the length of the contract, to detain immigrants in civil immigration proceedings, it shall detain immigrants only pursuant to a contract that requires the immigration detention facility operator to adhere to the standards for detaining those individuals described in the **[2011 Operations Manual ICE Performance-Based National Detention Standards as corrected and clarified in February 2013 and ICE Directive 11065.1 (Review of the Use of Segregation for ICE Detainees) - this is the most updated PBNDS at the time of publishing this manual]**.

(b) Nothing in this section shall prohibit an immigration detention facility operator from exceeding the 2011 Operations Manual ICE Performance-Based National Detention Standards as corrected and clarified in February 2013 or ICE Directive 11065.1 (Review of the Use of Segregation for ICE Detainees).

(c) An immigration detention facility operator, an agent of an immigration detention facility, or a person acting on behalf of an immigration detention facility shall not deprive any noncitizens in civil immigration proceedings access to an attorney or any other person authorized by the Board of Immigration Appeals under Section 292.2 of Title 8 of the Code of Federal Regulations, or access to a translator or interpretation services.

(d) A noncitizens shall not be involuntarily placed in segregated housing in an immigration detention facility because of his or her actual or perceived gender, gender identity, gender expression, or sexual orientation, as defined in **[some states define these terms, often in the state penal code]**. Transgender and gender nonconforming noncitizens shall be given the option to choose a housing placement consistent with their gender identity.

(e) If an immigration detention facility operator, or agent of an immigration detention facility, or person acting on behalf of an immigration detention facility violates subdivision (c) or (d), the 2011 Operations Manual ICE Performance-Based National Detention Standards as corrected and clarified in February 2013, or ICE Directive 11065.1 (Review of the Use of Segregation for ICE Detainees), the Attorney General, or any district attorney or city attorney, may bring a civil action for injunctive and other appropriate equitable relief in the name of the people of the State of California. An action brought by the Attorney General, any district attorney, or any city attorney may also seek a civil penalty of twenty-five thousand dollars (\$25,000). If this civil penalty is requested, it shall be assessed individually against each person who is determined to have violated this section, and the penalty shall be awarded to each individual who has been injured under this section.

SECTION 5.

(a) The Attorney General, or his or her designee, shall engage in reviews of county, local, or private locked detention facilities in which noncitizens are being housed or detained for purposes of civil immigration proceedings in **[State]**, including any county, local, or private locked detention facility in which an accompanied or unaccompanied minor is housed or detained on behalf of, or pursuant to a contract with, the federal Office of Refugee Resettlement or the United States Immigration and Customs Enforcement. The order and number of facilities to be reviewed shall be determined by the Department of Justice. The Attorney General, or his or her designee, shall have authority over which facilities may be reviewed and when. The Department of Justice shall provide, during the budget process, updates and information to the Legislature and the Governor, including a written summary of findings, if appropriate, regarding the progress of these reviews and any relevant findings.

(b) The Attorney General, or his or her designee, shall, on or before **[15 Months from Date Law Goes Into Effect]**, conduct a review of county, local, or private locked detention facilities in which noncitizens are being housed or detained for purposes of civil immigration proceedings in California, including any county, local, or private locked detention facility in which an accompanied or unaccompanied minor is housed or detained on behalf of, or pursuant to a contract with, the federal Office of Refugee Resettlement or the United States Immigration and Customs Enforcement. The order and number of facilities to be reviewed shall be determined by the Department of Justice.

(1) This review shall be done in consultation with local stakeholders and shall include, but not be limited to, a review of the conditions of confinement.

(2) The Attorney General, or his or her designee, shall provide, on or before **[15 Months from Date Law Goes Into Effect]**, the Legislature and the Governor with a comprehensive report outlining the findings of the review described in this subdivision, which shall be posted on the Attorney General's Internet Web site and otherwise made available to the public upon its release to the Legislature and the Governor. The Department of Justice shall provide, during the budget process, updates and information to the Legislature and the Governor, including a

written summary of findings, if appropriate, regarding the progress of the review described in this subdivision and any relevant findings.

(c) The Attorney General, or his or her designee, shall be provided all necessary access for the observations necessary to effectuate reviews required pursuant to this section, including, but not limited to, access to detainees, officials, personnel, and records.

(d) This section shall become inoperative on **[5-10 Years from Date Law Goes Into Effect]**, and, as of **[5-10 Years from Date Law Goes Into Effect]**, is repealed.

SECTION 6.

The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Appendix A

Here is a list of some of the media garnered for the Dignity Not Detention Act:

[Adelanto Detention Facility barred from expanding for another decade](#), VV Daily Press, July 2017.
[California Aims to Quash Immigration Detention Growth](#), New York Times, June 2017.
[California Deals Blow To Trump's Plan To Expand Immigrant Detention Centers](#), BuzzFeed, June 2017.
[California Leading the Way in Immigration Detention Reform with Budget Bill](#), New America Media, June 2017.
[California Just Outlawed Immigration Detention Expansion](#), Huffington Post, June 2017.
[California has the opportunity to lead the nation with dignity, not detention](#), OC Register, September 2016.
[Immigrant detainees deserve to be treated with dignity](#), Los Angeles Times/Daily Pilot, August 2016.
[Costly, Inefficient And Unaccountable: The Case For Outlawing For-Profit Prisons](#), Forbes, September 2016.
[Profits over care make case for immigration reform](#), The Hill, June 2016.
[California Pushes to End Private-Prison Management of Immigrant Detention Centers](#), The Atlantic's City Lab, August 2016.
[Where's Your Pen Governor Brown?](#), San Francisco Examiner, September 2016.
[Are Private Immigration Jails on the Chopping Block in Southern California?](#), LA Weekly, August 2016.
[California apura el plazo para poner fin al negocio de encarcelar inmigrantes](#), La Opinion, August 2016.
['It's a nightmare inside': Bill would place new restrictions on private immigrant detention centers](#), Los Angeles Times, April 2016.

Appendix B

Here are some talking points for the Dignity Not Detention Act to help you in drafting your own for your local context:

Talking Points re Private Prisons:

- The bill will end private immigration detention contracting and set humane immigration standards that for the first time in this state will be legally enforceable.
- Immigration detention in the United States has become a financial market where human lives are treated as profit. 73% of all detained immigrants are held in private for-profit immigration detention facilities. Dignity Not Detention says loud and clear that we will not stand by as our communities are routinely exchanged for bottom lines.
- The lust for money is driving over-incarceration, with corporations fighting to detain more people so they can maximize business. Local "lockup" quotas, where facilities are incentivized to fill beds, are written into the contracts of many private facilities in our state. Dignity Not Detention tackles this issue head on by taking on these private contracts.
- Dignity Not Detention increases transparency. Private prisons are not subject to disclosures to the public, providing the public the right to access certain information. Pushing private prisons out of our state ensures that any remaining immigration detention in the state is more transparent.

Talking Points Re Detention Conditions:

- Dignity Not Detention would be groundbreaking by making jails who detain immigrants accountable. The law creates legally actionable standards for immigrants suffering inhumane detention conditions. Owing in part to the failure to adhere to enforceable national standards, immigration detention centers have been plagued by poor conditions, including inadequate or spoiled food, poor access to medical care, and physical and sexual abuse. People in detention have engaged in hunger strikes throughout the country to protest these conditions, including at **[a facility in your state]**.
- Detention facilities operated by private prison companies, such as GEO Group, have repeatedly been the site of abuse and mistreatment. These failings are exacerbated by the inability of ICE to provide proper oversight for its contractors. The ineffective inspections process ICE uses has consistently failed to identify and correct problems inside these facilities. Further, the vast majority of ICE facility contracts do not include any robust penalty provisions. This incentivizes private companies to minimize facility costs by rationing basic necessities for detained individuals, including medical care. Even when severe deficiencies are discovered, ICE has not terminated contracts or used available penalties, but rather continued to send immigrants to be held in unsafe conditions.

FAQ:

- **But can't private companies just get around this bill by contracting directly with ICE?**
 - It would be unfortunate but not out of character for these private companies to find ways to circumvent our state laws. However, this bill would at a minimum ensure that our state and local governments are not complicit in this awful practice of profiting off of human suffering.
- **But doesn't this just mean that people will just be transferred out of state?**
 - Actually, no. This bill has internal protections against mass transfers. First, the Dignity Not Detention Act will not result in mass transfers of immigrants in detention to other states because the bill has a one-year delay on implementation **[California ultimately did not include a one-year delay, but you may choose this as an option if absolutely necessary.]** Second, the bill will only go into effect when the contracts with private immigration detention facilities are up for renewal or modification. Therefore, implementation of the bill will happen on a staggered basis, and mass transfers will not occur.