



June 21, 2016

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The Honorable Ricardo Lara
State Capitol, Room 5050
Sacramento, CA 95814

**RE: SB 1289 (Lara) – Law Enforcement: Immigration
As Amended on May 31, 2016 – OPPOSE
Set to be hearing on June 28, 2016 – Assembly Judiciary Committee**

Dear Senator Lara:

The California State Association of Counties (CSAC) respectfully writes in opposition to your bill Senate Bill 1289, which would prohibit local law enforcement agencies and local governments from contracting with for-profit entities to detain immigrants.

CSAC opposes any legislation that would limit a county's authority to contract with a facility that detains offenders whether they are immigrants, felons, or misdemeanants. Almost half of California's county jails have some sort of capacity order limiting the number of offenders they can hold before they must be released because of overcrowding. SB 1289 ties local law enforcement's hands and increases the possibility of litigation. Currently, the City and County of San Francisco and San Francisco Sheriff Ross Mirkarimi are being sued by Kate Steinle's family in a wrongful death lawsuit, for releasing Juan Francisco Lopez-Sanchez from jail without notifying federal immigration officials. While Mr. Lopez-Sanchez was a seven-time convicted felon, there was no active warrant for him. The San Francisco Sheriff's Department released him stating that they had no "legal basis" to hold him.

While the objective of SB 1289 is to reduce the probability of individuals whose immigration status is in question from being held in custody, the bill does not accomplish this goal. Instead, SB 1289 could result in individuals being held in other states like Arizona and Texas because California would be prohibited from contracting with these types of facilities that are located in the state.

Each of these private facilities are audited and accredited by the National Commission on Correctional Health Care (NCCCHC) and the American Corrections Association (ACA). In addition, these facilities and their operations are governed by multiple standards, policies and procedures including ICE Performance Based National Detention Standards, the Prison Rape Elimination Act (PREA) and California state law.

It is for these reasons CSAC must respectfully oppose SB 1289. If you have any further questions or concerns, please contact my staff Darby Kernan, Legislative Representative at 916.650.8131 or dkernan@counties.org.

Sincerely,

A handwritten signature in black ink that reads 'DeAnn Baker'.

DeAnn Baker
Deputy Executive Director for Legislative Affairs

cc: Honorable Ricardo Lara, California State Senate
Members and Consultant, Assembly Judiciary Committee
Gary Olson, Consultant, Assembly Republican Caucus