

Assembly Bill 1282

No Private ICE Act

Assembly Member Ash Kalra

SUMMARY

AB 1282, the “No Private ICE Act,” prohibits the California Department of Corrections and Rehabilitation (CDCR) from facilitating or allowing private security guards to detain, take custody of or arrest individuals for immigration enforcement purposes.

BACKGROUND

ICE’s Reliance on Private Contractors to Conduct Immigration Arrests

In recent years, Immigration and Customs Enforcement (ICE) has increasingly relied on private contractors to carry out its extensive enforcement operations in the state of California, including in prisons. As a result, many of these arrests for immigration enforcement purposes in state prisons are conducted not by ICE officers, but by employees of private security corporations.

In particular, ICE contracts with G4S Wackenhut to transport immigration detainees. G4S is the largest private security company in the world, with over half a million employees in 125 countries. In 2017, the company’s annual revenue was \$9.8 billion. G4S is involved in managing prison and detention facilities around the world, transporting immigrants for ICE, and electronic tagging and monitoring. G4S is the subject of numerous complaints of physical abuse, excessive force, and sexual abuse against immigrants, youth, and other detainees. *See* American Friends Service Committee, Investigate Website on G4S, available at: <http://investigate.afsc.org/company/g4s>.

In California state prisons, G4S employees often conduct arrests on their own. ICE officers are completely absent when immigrants leave state custody and are handcuffed by G4S employees. The immigrants are then transported by G4S employees

to an ICE field office, often hours away, where ICE officers enter the picture for the first time.

Private Contractors Do Not Have Legal Authority to Conduct Immigration Arrests

ICE’s use of private contractors to execute immigration arrest warrants in prisons violates the federal Immigration and Nationality Act (INA) and its implementing regulations because private contractors clearly do not have authority to conduct immigration arrests.

The INA outlines the specific powers of immigration officers, including execution of immigration orders, warrants, subpoenas, summons and other processes issued under that authority. *See* 8 U.S.C. § 1357; 8 C.F.R. § 287.5. The implementing regulations, Section 287.5 of Title 8 of the Code of Federal Regulations, provide authority to specific federally classified law enforcement officers to execute arrest warrants for immigration violations. Only immigration officers are authorized to arrest or detain persons alleged to have violated federal immigration law. Federal or state law does not permit privately employed or contracted security guards to enforce federal immigration law, including detaining, taking into custody or arresting an undocumented immigrant. It also should be noted that no federal law requires CDCR to allow or facilitate ICE or private security companies to conduct immigration arrests.

Impact on Southeast Asian Refugees

The practice of G4S private security guards arresting individuals in state prisons for immigration enforcement purposes has been particularly harmful to Southeast Asian refugees. Decades ago, Southeast Asian refugees fled war and genocide in Cambodia, Laos, and Vietnam, and were resettled in the U.S. in low-income neighborhoods. After serving decades in state

prison, a number of Southeast Asian refugees have earned their release through a grant of parole by the Board of Parole Hearings (BPH), which was affirmed by the Governor, or through a commutation recommended BPH and granted by the Governor. However, rather than being allowed to reunite with their families and communities, G4S private security guards have showed up in state prisons to arrest them and transport them to immigration detention in violation of federal law and regulations.

SOLUTION

AB 1282 prohibits CDCR from assisting or allowing private security guards to arrest individuals in CDCR custody for immigration purposes.

SPONSOR

Asian Americans Advancing Justice – California

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