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NPR sues Adelanto over public records access

ADELANTO — In a lawsuit filed Wednesday, National Public Radio alleged the city failed to obey the state's public records law. The suit alleges the city unlawfully denied NPR reporter Tom Dreisbach access to public records he sought regarding living conditions at the Adelanto Detention Center. The lawsuit asks the court to order the city to release the records. In 2010, Geo Group, one of the two largest private prison corporations in the United States, purchased the prison located on Rancho Road from the city for \$28 million. It expanded in 2012 and today reigns as the largest immigration detention center in California. Since 2011, the city has acted as a pass-through agency in an agreement that allows U.S. Immigration and Customs Enforcement to hold immigration detainees at the facility. ICE pays Adelanto for the service, then the city pays GEO Group. The city collects administrative fees for its part. According to the lawsuit, Dreisbach requested public records from ICE in August 2018. He sought information about "emergency grievances" made by detainees, along with the staff's responses, plus information on the use of force, including audio and visual records. ICE denied his requests, telling Dreisbach to contact the detention center directly. In September 2018, Dreisbach asked for records from Adelanto, the operator of the detention center listed in the agreement. The request was made under the California Public Records Act. On Jan. 1, 2018 the Dignity Not Detention Act became law. It demands any facility detaining "a noncitizen pursuant to a contract with a city, county, city and county, or a local law enforcement agency is subject to the California Public Records Act." The lawsuit argues this law guarantees Dreisbach access to the records he requested. The city denied Dreisbach's request, saying it did not possess "public records responsive to the request" because it did not have "actual and constructive possession" of the records, according to the lawsuit. The law firm representing the city acknowledged NPR was entitled to records under the California Public Records Act, but from Geo Group, not the city. In the lawsuit, NPR contends Geo Group possesses the records, and under the agreement between the parties, the city has "unfettered access to the records of the detention facility." The agreement also requires the city to accurately maintain those records, the lawsuit said. Dreisbach then requested the records directly from Geo Group, which denied his requests and directed him back to ICE. "The contracts between ICE, GEO, and the city all permit the city access to any and all documents related to detainee custody and care," the lawsuit said. "The city therefore has, at a minimum, an interest in and constructive possession of the records sought by NPR." Adelanto City Manager Jessie Flores told the Daily Press that "the City previously provided all documents in its possession in response to a Public Records Act request received from NPR. The City received the Writ yesterday and the City Attorney's office is reviewing it and will be responding." In a statement emailed to the Daily Press, Geo Group contended that it is "obligated to follow contractual requirements, which provide that information related to the operation of ICE Processing Centers is under the control of the agency. The public disclosure of this information is governed by those contractual requirements and applicable federal laws and regulations. Accordingly, GEO has referred to ICE requests for information that is under control of the agency." Lori K. Haley, a U.S. Immigration and Customs Enforcement spokeswoman, said she is unable to comment on lawsuits.