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**California: Fed judge upholds private prison ban**

A San Diego federal judge largely upheld California's private prison ban in a ruling stemming from dual lawsuits filed against the state by the Trump administration and a private prison firm.

U.S. District Judge Janis Sammartino issued a preliminary injunction Thursday upholding in most respects Assembly Bill 32, which took effect Jan. 1 and prohibits the operation of private detention facilities statewide. By 2028, the law would bar all inmates from being held at privately owned facilities. The law also prohibits agencies from entering into new contracts for privately owned detention facilities or renewing existing contracts at currently operating facilities. The federal government and private prison firm The GEO Group argued that the law is unconstitutional because it encroaches on the government's operations to house federal inmates by unlawfully allowing a state government to regulate federal operations. Additionally, the government has argued that private facility closures will force the relocation of thousands of inmates at high cost to taxpayers, with inmates also forced to be incarcerated at greater distances from their families, especially if they are relocated out of state. The GEO group alleges that it will lose around \$250 million per year in revenue if forced to close down its California facilities and could lose more \$4 billion in capital investment and revenue over the next 15 years. Sammartino ruled that AB 32 is a regulation of private detention contractors rather than the federal government and its operations and disagreed with plaintiffs' arguments that AB 32 interfered with congressional objectives to house detainees in private facilities, except in respect to United States Marshals' detainees. Sammartino wrote, "Congress clearly authorized USMS to use private detention facilities in limited circumstances, such as where the number of USMS detainees in a given district exceeds the available capacity of federal, state and local facilities." As AB 32 would prevent the use of private facilities when no available space exists in other facilities, she preliminarily enjoined enforcement of the ban in regards to USMS detainees, but it remains in effect for the U.S. Bureau of Prisons and ICE. According to court papers, 1,100 USMS inmates in California are housed in private detention facilities, representing about 22% of USMS statewide. Among those inmates, many are housed at San Diego facilities that include the Metropolitan Correction Center, Western Region Detention Facility and Otay Mesa Detention Center. The United States and the GEO Group can file amended complaints within the next three weeks, according to Sammartino's order.