

FACT SHEET

Private Detention Centers Ordinance

CPC-2020-5811-CA

(October 2020)

SUMMARY

In response to a City Council Motion ([Council File No. 19-0742](#)), Los Angeles City Planning has drafted a proposed ordinance to amend the Zoning Code to prohibit the operation and construction of private detention centers in the City of Los Angeles.

BACKGROUND

Assembly Bill 32, which banned private prisons and detention facilities from operating in California, became effective on January 1, 2020. The proposed ordinance would align the City's Zoning Code with State law by defining and prohibiting the use locally. Codifying definitions and regulations for detention centers in the Zoning Code establishes clear and consistent language in order to properly enforce this prohibition in the City of Los Angeles.

The Federal government has increasingly relied upon the private sector to detain immigrants. Various studies and public testimony have documented the negative impact of detention on individuals and on surrounding communities. For individuals, they include inadequate access to legal, medical, and mental health care resulting in physical and emotional trauma and other long-term effects. The American Academy of Pediatrics has also concluded that any time in detention is unsafe for children. Communities may also suffer from the disruption of social and family networks as well as economic instability, particularly low-income immigrant communities in Southern California.

In response to these conditions, the City acted with urgency in February 2020 by adopting an Interim Control Ordinance ([Council File No. 20-0065](#)) which temporarily prohibited private detention centers in Los Angeles in order to allow for the time necessary to develop the proposed ordinance. The urgency of this issue has been recently further compounded by the ongoing global COVID-19 pandemic with over six thousand detainees testing positive for the virus and eight deaths as of October 2020.

KEY PROVISIONS

The proposed ordinance includes the following key provisions.

- **Defines and adds two new uses to the Zoning Code: “Private Detention Center” and “Community Detention Facility for Unaccompanied Minors”**
- **Prohibits “Private Detention Center” and “Community Detention Facility for Unaccompanied Minors” in the Zoning Code**
 - Prohibition applies to all zones citywide
 - Prohibition includes accessory uses and incidental activity to an allowed use

QUESTIONS & ANSWERS

Will the ordinance be in place before the Interim Control Ordinance expires?

The Interim Control Ordinance (ICO) temporarily prohibits private detention centers while the City prepares and adopts permanent regulations. The ICO is set to expire February 2021, however, the City Council has the option to extend it for one additional year (per California Government Code Section 65858) until February 2022. It is expected that the City Council will consider the proposed ordinance prior to the expiration of an extended ICO.

Will the provisions of the ordinance prevent the detention of immigrant children by private operators?

The proposed ordinance defines this as a “Community Detention Facility for Unaccompanied Minors” and explicitly prohibits it. The prohibition is inclusive of accessory uses and any incidental activity to an allowed use. No deviations from the Zoning Code will be allowed. Violations of this regulation can be reported to the Los Angeles Department of Building and Safety.

Will the provisions of the ordinance prevent the detention of immigrants in hotels?

The proposed ordinance contains provisions to explicitly prohibit accessory uses or incidental activity related to the uses of “Community Detention Facility for Unaccompanied Minors” and “Private Detention Center”.

In addition, the Zoning Code defines “Hotels” as the following:

“a residential building designated or used for or containing six or more guest rooms, or suites of rooms, which may also contain not more than one dwelling unit, but not including any institution in which human beings are housed or detained under legal restraint.”

Violations can be reported to the Los Angeles Department of Building and Safety.

How will the City enforce the provisions of this ordinance?

Potential applicants will not be allowed to proceed with a project that proposes either of the prohibited uses defined in the proposed ordinance, nor will they be able to request deviations from the Zoning Code. The City will utilize existing enforcement mechanisms for violations of the Los Angeles Municipal Code. Potential violations can also be reported to the Los Angeles Department of Building and Safety.

What are the next steps in the process?

City Planning will host virtual office hours between the weeks of October 26 and November 2. To schedule a meeting with City Planning staff, please visit the following link: <https://detention-centers-ordinance-office-hours.youcanbook.me>.

City Planning will also host a Staff Public Hearing on November 12. The public hearing notice will be available at: <https://planning.lacity.org/plans-policies/proposed-land-use-regulations>.

The City Planning Commission (CPC) will consider the ordinance at a public meeting on Thursday, December 10, 2020 and make a recommendation. The CPC recommendation on the ordinance will then be heard by the Planning and Land Use Management (PLUM) Committee. Finally, the full City Council will consider the ordinance.

Who can I contact for additional information?

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