

# SENATE BILL REPORT

## SB 6442

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As of January 30, 2020

**Title:** An act relating to private detention facilities.

**Brief Description:** Concerning private detention facilities.

**Sponsors:** Senators Saldaña, Wilson, C., Salomon, McCoy, Wellman, Stanford, Hasegawa, Kuderer, Pedersen, Nguyen, Frockt and Das.

**Brief History:**

**Committee Activity:** Human Services, Reentry & Rehabilitation: 1/29/20.

**Brief Summary of Bill**

- Prohibits the operation of a private detention facility in the state by any person, business, or state or local governmental entity.
- Prohibits any person, business, or state or local governmental entity from entering into an agreement with any out of state governmental or private organization to operating a private detention facility.
- Exempts specified facilities and contracts.

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### SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

**Staff:** Kelsey-anne Fung (786-7479)

**Background:** The secretary of the Department of Corrections is authorized to transfer offenders out of state to private or governmental institutions when determining the transfer is in the best interest of the state or the offender. If the Governor finds that an emergency exists in which the population of a state correctional facility exceeds its reasonable maximum capacity, the Governor may take certain measures to mitigate the emergency. Such measures include calling the Sentencing Guidelines Commission into an emergency meeting to evaluate the standard ranges and other standards, or calling the Clemency and Pardons Board into an emergency meeting to make recommendations for the Governor's use of commutation and pardon powers.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:** No person, business, or state or local governmental entity may operate a private detention facility within the state, or enter into an agreement with any local or state government or private organization in any other state to operate a private detention center. A private detention facility operating under a valid government contract that was in effect prior to January 1, 2020, may remain in effect for the duration of that contract, excluding any extensions or modifications made to or authorized by that contract.

Specified facilities are exempt from the prohibition, including assisted living facilities, nursing homes, adult family homes, soldiers' homes, residential habilitation centers, secure community transition facilities. A severability clause is included. The provisions must be construed liberally.

A "detention facility" is defined as any facility in which persons are incarcerated or otherwise involuntarily confined for purposes including prior to trial or sentencing, fulfilling the terms of a sentence imposed by a court, or for other judicial or administrative processes or proceedings.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:** PRO: Incarceration is a government function, and the public expects transparency and accountability, not privatization. Private prisons have been shown to have higher recidivism and assault rates, and lower quality of care and respect for employees. Privately operated detention facilities are less sanitary and more violent than publicly run prisons because private prisons hire fewer guards and medical staff to cut down on operational costs and maximize profits. Private prisons cut costs at the expense of people's health and safety. The population of incarcerated individuals at private prisons has increased, enriching the private prison profit model. Profiting from private incarceration is against Washington State's values as it is an inherently government function that should not be outsourced.

For-profit detention facilities place value on profits over quality of care and services by focusing on operational efficiencies. This results in substandard or delayed health and mental health services and increased risks to the welfare of those inside. Private prisons are staffed by non-union workers and generate profit by understaffing facilities, paying low wages and not providing adequate employee benefits, and not providing sufficient training. This creates an unsafe situation for staff and incarcerated individuals without public oversight.

Private detention facilities distort and undermine the purpose of incarceration, which should be to provide rehabilitation rather than cost savings. This results in less counseling, job training, education, exercise time, and food quality. It creates an incentive to lobby for

longer sentences and more prisoners to generate prison. For the state, it creates a lack of transparency, accountability, and responsibility by outsourcing a government function.

OTHER: There are concerns that the bill does not exempt Martin Hall or state work release facilities. Martin Hall is a privately run juvenile detention center in eastern Washington that is funded by nine counties. DOC contracts with private vendors to operate 8 out of the 12 work release facilities. DOC would like language that allows DOC to enter into contingency contracts preemptively in the event of a disaster.

**Persons Testifying:** PRO: Senator Rebecca Saldaña, Prime Sponsor; Miranda White, citizen; Isabel Gates, citizen; Gabe Galanda, HUY; Michael Byun, Asian Counsel and Referral Service; Valeriana Chikoti-Bandua, Washington Coalition of Sexual Assault Programs; Ilyas Abukar, Washington State Labor; Mahilet Mesfin, Radical Justice from the Amazon Auditorium; Iris Monica Ann Silan, Radical Justice from the Amazon Auditorium; Hannah Woerner, Columbia Legal Services; Megan Ybarra, University of Washington; Stanley Shikuma, Japanese American Citizens League, Seattle Chapter; Keith Blocker, City of Tacoma; Orlando Cano, One America; Milo Hensley, Advocates for Detained Voices.

OTHER: Juliana Roe, Washington State Association of Counties; Scott Hutsell, Lincoln County Commissioner; Melena Thompson, Department of Corrections.

**Persons Signed In To Testify But Not Testifying:** No one.