



PRIVATE DETENTION FACILITIES

Environmental Public Health

WA State Health Disparities Council

December 14, 2023

Tukwila Community Center



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Complaint Response Unit-
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Secretary



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Agenda

- Legislation
- Rulemaking
- Implementation
- Complaints
- Investigations
- Challenges
- Questions

Legislation



Engrossed House Bill 1090 (EHB1090)

EHB 1090

- Passed the WA Legislature in February 2021

RCW 70.395

- EHB 1090 created Chapter 70.395 Revised Code of Washington (RCW)

Purpose

- Ban private detention centers in Washington state.
- Overturned – states may not prevent Private Detention Centers; however, they may regulate them.

Second Substitute House Bill 1470 (2SHB 1470)

2SHB 1470

- Passed the Legislature and signed by Governor Inslee on May 11th, 2023.

RCW 70.395

- 2SHB 1470 amended chapter 70.395 RCW (and a few others).

Purpose

- Set operational, health and safety standards to provide sanitary, hygienic, and safe living conditions.

State Authority

Ensure private detention facilities comply with measurable standards for:

- Cleaning and sanitizing of living areas
- Laundry facilities
- Personal hygiene items
- Nutritious, balanced, and special diets
- Food handling and hygiene practices
- Indoor air quality and room temperature
- Worker safety

Inspections and Investigations

- Routine and unannounced facility inspections
- Complaint investigations

Impose Civil Penalties

Rulemaking



2SHB 1470 Areas of Rulemaking Authority

- Use of personal belongings
- Cleaning and sanitizing of living areas
- Laundry facilities
- Personal hygiene items
- Nutritious, balanced, and special diets
- Food handling and hygiene practices
- Indoor air quality and room temperature
- Infection control program
- Site inspection
- Civil penalties

Proposed Rulemaking Timeline

- **November 13, 2023** Filed CR-101 to start rulemaking process
- **December 2023 – January 2024** Public Listening Sessions
- **February 2024 – May 2024** Rule Development and Work Group Sessions
- **June 2024 – July 2024** Informal Comment Period
- **November 2024** File CR-102 to begin formal comment period
- **December 2024 – January 2025** Formal Comment Period
- **January 2025** Public Hearing
- **March 2025** File CR-103 to adopt rules
- Rule Becomes Effective **April 2025**

Public Engagement

Opportunities to provide input during this process:

- Join Interested Parties distribution list. Please contact Nina.Helping@doh.wa.gov.
- Attend a listening session
 - December 6, 2023, 10am – 12pm
 - December 19, 2023, 5pm – 7pm
 - January 20, 2024, 1pm – 3pm
- Volunteer to be on the rules advisory committee (March – May 2024)
- Provide comments during informal comment period (June – July 2024)
- Provide comments during formal comment period (October – December 2024)
- Attend public hearing (January 2025)

Implementation



DOH Implementation

Environmental Public Health (EPH) Office of the Assistant Secretary

- Complaint Intake and facility investigations
- Rulemaking

Office of Environmental Health and Safety (OEHS)

- Routine health and safety inspections

Prevention and Community Health (PCH)

- Nutrition review

Health Systems Quality Assurance (HSQA)

- Medical and pharmaceutical inquiries

Partner Agency Implementation

Labor and Industries (L&I)

- Detainee and employee workplace safety

Local Health Jurisdictions

- Food handling safety

Local Law Enforcement

- Sexual and physical assault

Complaints



Facility Complaints

Anyone can submit a complaint on the detainees behalf

Online

<https://doh.wa.gov/about-us/file-complaint/private-detention-facility-complaints>

E-mail

eph.cru@doh.wa.gov

Toll Free Number

1-833-770-7500

Mail in hard copy

Attn: CRU, Environmental Public Health, Office of the Assistant Secretary, PO Box 47820 Olympia, WA 98504

Complaint Resolution Unit (CRU)

Complaint is received and translated if needed.

Complaints are reviewed, sorted, and referred to appropriate department or agency.

Facility investigations are conducted based on complaints and are un-announced.

When an investigation is completed, the results are posted on the program's webpage:

<https://doh.wa.gov/about-us/executive-offices/prevention-safety-and-health/environmental-public-health/private-detention-facilities>

Examples of Complaints

- Food safety and quality – including lack of access to foods that are culturally or religiously appropriate
- Personal hygiene and cleanliness of living conditions
- Limited or no access to laundry facilities and clean linens
- Access to appropriate medical care
- Communicable Disease control - Covid-related concerns
- Lack of natural light

Investigations



CRU's Investigation Limits

While operational, health, and safety standards are being developed the CRU will continue to work with these and other partners to investigate specific complaints:

- Tacoma-Pierce County Health Department
- Washington Medical Commission
- Office of the Immigration Detention Ombudsman
- Local law enforcement
- WA Attorney General's Office

CRU's Investigation Limits (cont.)

CRU has been denied entry to the Northwest ICE Processing Center. Next steps are unsure.

Direct complaints from detainees:

- Call 1-800 toll free number
- Detainees can not leave a voice mail
- Pre-paid postage brochures

Challenges



Challenges

Complex Regulatory Issue

- Has a history of past litigation
- Navigating federal vs state law and jurisdiction
- Multiple agencies involved

Communication and Access

- Working to improve our processes of engagement to reach highly impacted groups
- Accessible processes for diverse perspectives

Access to the facility has been denied by the operator

For More Information

To Receive Email Notifications:

https://public.govdelivery.com/accounts/WADOH/subscriber/new?topic_id=WADOH_948

Main Webpage:

<https://doh.wa.gov/about-us/executive-offices/prevention-safety-and-health/environmental-public-health/private-detention-facilities>

Rulemaking Page:

<https://doh.wa.gov/about-us/executive-offices/prevention-safety-and-health/environmental-public-health/eph-rulemaking/eph-active-rulemaking/private-detention-facilities>

For More Information (cont.)

Complaint Intake:

<https://doh.wa.gov/about-us/file-complaint/private-detention-facility-complaints>

The Law:

<https://app.leg.wa.gov/RCW/default.aspx?cite=70.395&full=true>

Questions?



Contact Information

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