

ORDINANCE NO. _____

An ordinance amending Section 12.03 and adding Section 11.5.15 to Chapter I of the Los Angeles Municipal Code to define and prohibit the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center to align with State law (Penal Code Section 9500 et seq.).

THE PEOPLE OF THE CITY OF LOS ANGELES**DO HEREBY ORDAIN AS FOLLOWS:**

Section 1. Section 12.03 of the Los Angeles Municipal Code is amended by adding the following definitions:

COMMUNITY DETENTION FACILITY FOR UNACCOMPANIED MINORS. A facility operated by a private or nongovernmental person or entity intended to house unaccompanied, undocumented minors in the custody of the federal government.

PRIVATE DETENTION CENTER. A facility, including but not limited to, a correctional or penal institution, operated by a private or nongovernmental person or entity where persons are incarcerated or otherwise involuntarily confined for purposes of execution of a punitive sentence imposed by a court, or detention pending a trial, hearing, or other judicial or administrative proceedings. A Private Detention Center shall not include any facility described in Penal Code Section 9502, except a facility described in subsection (d) if that facility is used to house persons in the custody of the federal government.

Sec. 2. Section 11.5.15 is added to Article 1.5 of Chapter 1 of the Los Angeles Municipal Code to read as follows:

SEC. 11.5.15. DETENTION CENTERS AND FACILITIES PROHIBITION.

- A. **Purpose.** The purpose of this section is to promote public safety and welfare by establishing regulations to prohibit the use of any property or building in the City of Los Angeles for a Community Detention Facility for Unaccompanied Minors or Private Detention Center.
- B. **Prohibition.** The Community Detention Facility for Unaccompanied Minors and Private Detention Center uses as defined in Section 12.03 of this Code are prohibited in all zones, including as an accessory use, or the use of any existing building or portion thereof, or incidental activity to an allowed use. No variance, exception, or deviation to the above prohibition shall be granted or allowed under any provision of Chapter I of this Code, or plan or ordinance adopted pursuant to Chapter I of this Code. This Subsection supersedes all other provisions of Chapter I of this Code.

Sec. 3. SEVERABILITY. If any portion, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.

Sec. 4. URGENCY. The City finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reasons: This Ordinance is needed to protect the public peace, health, and safety of the residents of Los Angeles by limiting the impacts of Private Detention Centers and Community Detention Facilities for Unaccompanied Minors as evidenced by studies and public testimony that describe a multitude of negative quality of life issues associated with these facilities. Such impacts were documented in a previously adopted Interim Control Ordinance (Council File #20-0065), set to expire February 2021, which detailed impacts on detainees, including inadequate access to medical and mental health care resulting in physical and emotional trauma and other long-term effects. In addition, studies on the impacts on communities revealed disruption of social and family networks as well as economic instability. Lastly, in light of the ongoing COVID-19 pandemic, the lack of proper measures at such facilities have led to outbreaks which reveal a disregard for health and safety. The prohibition of Private Detention Centers and Community Detention Facilities for Unaccompanied Minors represents a policy intervention aimed at preventing the intensification of disparities and inequities by addressing a root cause of systemic trauma particularly amongst immigrant communities. For all of these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

Sec. 5. The City Clerk shall certify that ...