



RESOLUTION NO. 40636

1 BY REQUEST OF MAYOR WOODARDS, AND COUNCIL MEMBERS BEALE
2 AND WALKER

3 A RESOLUTION relating to public health and safety; recommending the Tacoma-
4 Pierce County Health Department utilize its influence and establish
5 communication with the ICE Health Service personnel at the Northwest ICE
6 Processing Center to advocate for protection against viral outbreaks,
7 including testing for COVID-19, practicing social distancing, and personal
8 protective equipment for those detained at the Center.

9 WHEREAS, the Mayor and City Council of the City of Tacoma, Washington,
10 as the governing body, are responsible to be vigilant and advocate for the health,
11 safety, and welfare of the residents, employees, businesses, and visitors within the
12 City, including persons in detention and correctional facilities, and

13 WHEREAS, the City of Tacoma's 2020 legislative agenda calls for
14 Congress to pursue legislation that ends the use of privately-operated prisons and
15 instead utilizes alternatives to immigrant detention, and supports the Dignity for
16 Detainees Act that would restore dignity and justice to the broken immigrant
17 detention system, and

18 WHEREAS, the City Council finds the federal government's Immigration and
19 Naturalization Services operations were reorganized as a response to the events
20 of September 11, 2001, and, based on fear and xenophobia the Department of
21 Homeland Security ("DHS") and Immigration and Customs Enforcement ("ICE")
22 divisions were created to take a hard stance against immigration, and
23

24 WHEREAS, the City Council further finds that ICE operations are rooted in
25 systemic racism and are dehumanizing to immigrant communities throughout the
26 nation, and should therefore be eliminated by the federal government and replaced



with an anti-racist agency that humanely and equitably implements immigration laws and fights to eradicate human trafficking, and

WHEREAS, racial profiling continues to drive the detention of immigrants, where 87 percent of all detainees are from Mexico and the Northern Triangle of Central America, and only 1 percent are from Europe, and data from DHS indicates that immigrants of African descent are more likely to be detained than other immigrants, mirroring the severe racial disproportionality of incarceration in United States prisons, and

WHEREAS, the Northwest ICE Processing Center ("NWIPC") is a 1,575 bed facility, privately owned and operated by GEO Group, Inc. on behalf of ICE, and is located in the City of Tacoma, inside a Port Maritime Industrial District that is not currently zoned for long-term residence or detention, and

WHEREAS, ICE has the power to parole and/or set bonds for those who are detained at NWIPC to be released and continue their cases in non-detained immigration courts, and

WHEREAS, the U.S. immigration detention system holds people for indefinite periods of time as they undergo deportation proceedings, which are a civil procedure and not part of the criminal justice system, and

WHEREAS, jails and prisons are especially susceptible to outbreaks of disease and other ICE detention facilities around the nation have had outbreaks of COVID-19, and

WHEREAS, NWIPC has a history of outbreaks such as Mumps and Varicella at their facility in both 2018 and 2019, and



1 WHEREAS, the detention center has had a history of allegations and
2 complaints of medical negligence and poor sanitation, and

3 WHEREAS, the novel coronavirus that causes COVID-19 has spread to the
4 point of becoming a global pandemic, and virologists and epidemiologists are not
5 able to predict how long it will take to subside, and

6 WHEREAS, there is evidence that the pandemic is deadlier and spreads
7 faster in conditions of confinement such as cruise ships, nursing homes and, by
8 extension, prisons, and

9 WHEREAS, some detainees inside NWIPC have risk factors that make
10 them susceptible to the severest and deadliest symptoms of COVID-19, including
11 age, diabetes, heart disease, and compromised immune systems, and the risk of
12 an outbreak at NWIPC would be especially devastating and potentially fatal for
13 these groups of people, and

14 WHEREAS, the grouping of people inside jails, prisons, and detention
15 centers puts the collective health of the City of Tacoma at risk; facility staff and
16 people newly detained or recently transferred can spark outbreaks by bringing the
17 virus into facilities, while staff can take it back to their communities when they go
18 home, and

19 WHEREAS, people in detention at NWIPC have reported to the media that
20 social distancing is not practiced, Personal Protective Equipment is not widely
21 available, soap is not widely available, and ongoing COVID-19 testing is not
22 available inside the detention center, and



1 WHEREAS, detainees at the NWIPC were not tested for COVID-19 until a
2 United States District Court ordered testing, and one of 450 tests was positive for
3 COVID-19; 111 detainees refused to give their consent to be tested, and
4

5 WHEREAS, people in detention at NWIPC have protested these conditions
6 and the risk of a COVID-19 outbreak in detention, and their own lack of control
7 over their exposure to risk through hunger strikes and visual protest in the yard,
8 forming the letters SOS with their bodies, and
9

10 WHEREAS, ICE has refused to be transparent about its public health
11 practices following inquiries from the City, the Governor of the State of
12 Washington, and members of Washington's federal delegation such as
13 Representative Adam Smith and Senator Maria Cantwell, and evidently has no
14 plan for the eventuality of an outbreak in the detention center, and
15

16 WHEREAS, Senator Cory Booker and Representative Pramila Jayapal have
17 introduced the Federal Immigrant Release for Safety and Security Together Act
18 ("FIRST Act"), which would mandate the release of all those individuals younger
19 than 21 years of age, older than 50 years, or with a listed health condition that
20 makes them vulnerable to COVID-19, and
21

22 WHEREAS FIRST Act also establishes the presumption of release barring
23 specific and substantive evidence of risk of physical harm to others, and
24

25 WHEREAS, people in detention at NWIPC and other detention centers
26 report a new chemical, called Sani-T-10, being used as a disinfectant product,
which poses risks to human health due to its corrosiveness, and if it is inhaled it is



1 toxic and can cause serious harm to the eyes and skin, and this product is
2 recommended for use only outdoors or in well-ventilated areas and requires safety
3 measures, including protective gloves, protective clothing, and eye and facial
4 protection, and

5 WHEREAS, people in detention at NWIPC and other detention centers
6 report that usage of Sani-T-10 is not following safety recommendations and is
7 causing harm to detainees, including rashes, nose bleeds and eye irritation, and

8 WHEREAS, the City declared itself a Welcoming City to immigrants and
9 refugees in Resolution No. 39116 in February of 2015; Now, Therefore,
10

11 BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF TACOMA:

12 Section 1. Hereby expresses its support for those detained at the Northwest
13 ICE Processing Center ("NWIPC") located in the City, who are unable to protect
14 themselves from the COVID-19 pandemic while in detention.
15

16 Section 2. The City recommends the Tacoma-Pierce County Health
17 Department utilize its influence and established channels of communication with
18 the Immigration and Customs Enforcement ("ICE") Health Services personnel at
19 the NWIPC to advocate for protection against viral outbreaks, including through
20 extensive testing for COVID-19, following medical guidelines to ensure the most
21 accurate results of all individuals in detention and correctional facilities, sharing
22 information regarding adherence to federal standards on COVID-19 protocol
23 provided by ICE Health Services with the public, and recommending the
24 Department of Homeland Security ("DHS") cease any and all improper use of
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26



1 disinfectant products like Sani-T-10 that further threaten the health and safety of
2 those who are detained.

3 Section 3. The City of Tacoma will continue to explore its authority at the
4 local level for regulatory oversight of private detention center operations, including
5 requirements and regulations for business licenses, in collaboration with state and
6 federal level efforts as appropriate.

7 Section 4. The City supports the Federal Immigrant Release for Safety and
8 Security Together Act (FIRST Act).

9 Section 5. The City calls for the systematic release under parole and bond
10 of all those detained at the NWIPC, the end of transfers into and out of the NWIPC,
11 and the suspension of business at the facility, for the duration of the COVID-19
12 pandemic.

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15 Adopted August 4, 2020

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17 

18 Mayor

19 Attest:

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21 City Clerk

22 Approved as to form:

23 

24 Deputy City Attorney
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26



TO: Elizabeth Pauli, City Manager
FROM: Nick Bayard, Assistant Chief Equity Officer, Office of Equity and Human Rights (OEHR)
Diane Powers, Chief Equity Officer, OEHR
COPY: City Council and City Clerk
SUBJECT: Resolution related to COVID-19 and the Northwest ICE Processing Center – August 4, 2020
DATE: 7/29/2020

SUMMARY & PURPOSE:

A resolution outlining the history and context of racial and health inequities in the operation and current state of the Northwest ICE Processing Center (NWIPC), expressing support for those detained, advocating for expanded health-related interventions at the NWIPC, committing to ongoing legal analysis of the City's regulatory oversight of private detention center, supporting the FIRST Act, and calling for the systematic release of all detainees under parole and bond, the end of transfers in and out of the facility, and the suspension of the facility's operations for the duration of the COVID-19 pandemic.

Council is requested to adopt this Resolution at the August 4th City Council meeting or earliest availability.

COUNCIL SPONSORS:

Mayor Victoria Woodards
Council Member Chris Beale
Council Member Kristina Walker

BACKGROUND:

This recommendation is based on the ongoing risks of a COVID-19 outbreak at the NWIPC, current reports of health problems among those detained related to the use of Sani-T-10, a disinfectant product, the racially disproportionate impact of immigrant detention on individuals and communities, and the importance of the City doing everything in its scope of regulatory authority and using the power of its public messaging to support the health and human rights of its residents.

This resolution was initiated by the community group La Resistencia and informed by discussion among members of the Commission on Immigrant and Refugee Affairs (CIRA), La Resistencia, and Mayor Woodards, Council Member Beale, and Council Member Walker. This resolution was also informed by City Council discussion at the July 7th, July 14th, and July 28th, 2020 City Council Study Sessions. CIRA discussed the final language of this resolution at the regular CIRA meeting on July 27th, 2020, and voted unanimously at that meeting to support passage of the resolution by City Council.

COMMUNITY ENGAGEMENT:

This resolution is the result of community advocacy by the group La Resistencia, leadership from CIRA, and ongoing participation in the drafting process by the Mayor and City Council. Members of La Resistencia and CIRA have provided second-hand reports of direct reports from individuals detained at the NWIPC and their families. CIRA has also been advising City of Tacoma staff and Council on issues related to the NWIPC for the past nearly two years and its subcommittee on the NWIPC has been focused on supporting the development and passage of this resolution over the course of the COVID-19 pandemic.

2025 STRATEGIC PRIORITIES:

Equity and Accessibility:

This proposal directly addresses health and racial equity issues impacting individuals detained at the NWIPC, all of whom are at risk of exposure to a COVID-19 outbreak within the facility, and many of whom have reported health problems associated



with exposure to disinfectant products. These immediate health concerns overlap with ongoing concerns about the rights and treatment of individuals detained at the NWIPC, and these overlapping issues add to the equity and accessibility aspects of this resolution. The Northwest Immigrant Rights Project reports that 85% of those detained at the NWIPC are unrepresented¹ because individuals are not entitled to public defense in immigration court and private counsel is too costly, especially for immigrant families, many of whom are low income. Those detained are often the primary income providers for families, so their detention has eliminated primary income streams for families during a major health and economic crisis.

Livability: *Equity Index Score:* Moderate

Improve health outcomes and reduce disparities, in alignment with the community health needs assessment and CHIP, for all Tacoma residents.

Increase positive public perception of safety and overall quality of life.

Explain how your legislation will affect the selected indicator(s)?

This resolution calls for measures that will improve the health conditions and health prospects of individuals detained at the NWIPC and will increase safety in our community by reducing the overall risk of local spread of COVID-19.

STAFF RECOMMENDATION:

Due to the time sensitive nature of the public health impacts of COVID-19, we recommend passage of this resolution at the earliest opportunity.

ALTERNATIVES:

Alternative	Positive Impacts	Negative Impacts
Amend or delay passage of the resolution.	None that OEHR is aware of.	Would delay important messaging about equity and human rights and undermine the good faith collaborative efforts of CIRA and La Resistencia in drafting language for and advising on this resolution.

EVALUATIONS AND FOLLOW UP:

OEHR, in consultation with CIRA, the NW Immigrant Rights Project, the Tacoma/Pierce County Health Department, and La Resistencia, will monitor reported conditions at the NWIPC as well as any policy or procedural changes undertaken by the private contractor operating the NWIPC, the GEO Group, and/or Immigration and Customs Enforcement (ICE) with regards to the points raised in the resolution.

FISCAL IMPACT:

There are no anticipated costs of enacting this resolution.

¹ Data from 2007 through 2012 shows that detained immigrants with counsel were nearly 11 times more likely to seek relief such as asylum, and that of those who sought relief with representation were twice as likely as unrepresented immigrants to obtain immigration relief (49 percent with counsel versus 23 percent without). Overall in the United States, immigrant detention has a disproportionate impact on immigrants of color, with 87% of all detainees being from Mexico and the Northern Triangle of Central America and only 1% being from Europe.



City of Tacoma

City Council Action Memorandum

What Funding is being used to support the expense?

N/A

Are the expenditures and revenues budgeted in this biennium's current budget?

Choose an item.

No

Are there financial costs or other impacts of not implementing the legislation?

Choose an item.

The transfer of individuals in and out of the NWIPC during the COVID-19 pandemic could potentially lead to conditions which cause a spike in COVID-19 cases in Tacoma, contributing to community-wide transmission of the virus, which places additional burdens on local health resources and negatively impacts economic activity, which has an indirect but significant impact on tax-reliant programs and services.

Will the legislation have an ongoing/recurring fiscal impact?

No

Will the legislation change the city's FTE/personnel counts?

No

ATTACHMENTS:

None

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Resolution No. 40636

Adopted: AUG 04 2020

Maker of Motion: Blocker

Seconded: Thoms

Voice Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Mr. Beale	X			
Mr. Blocker	X			
Mr. Hines	X			
Ms. Hunter	X			
Mr. McCarthy	X			
Mr. Thoms	X			
Ms. Ushka	X			
Ms. Walker	X			
Mayor Woodards	X			

Roll Call Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Mr. Beale				
Mr. Blocker				
Mr. Hines				
Ms. Hunter				
Mr. McCarthy				
Mr. Thoms				
Ms. Ushka				
Ms. Walker				
Mayor Woodards				