

ORDINANCE NO. _____

An ordinance amending Section 12.03 and adding Section 11.5.15 to Article 1.5 of Chapter 1 of the Los Angeles Municipal Code to define and prohibit private detention centers and community detention facilities for unaccompanied minors.

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

Section 1. Section 12.03 of the Los Angeles Municipal Code is amended by adding in alphabetical order 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 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 for purposes of detention pending a trial, hearing, or other judicial or administrative proceeding, including, but not limited to, a correctional or penal institution. A Private Detention Center shall not include any facility described in Penal Code Section 9502, except a facility described in Subdivision (d) if that facility is used to house persons in the custody of the federal government.

Sec. 2. A new 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. PROHIBITION OF COMMUNITY DETENTION FACILITIES FOR UNACCOMPANIED MINORS AND PRIVATE DETENTION CENTERS.

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 a Private Detention Center.

B. **Prohibition.** The Community Detention Facility for Unaccompanied Minors use and the Private Detention Center use, as those uses are 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 1 of this Code, or under any ordinance adopted pursuant to Chapter 1 of this Code including a specific plan or overlay zone. This subsection supersedes all other provisions of Chapter 1 of this Code.

Sec. 3. **SEVERABILITY.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance, which can be implemented without the invalid provisions and, to this end, the provisions of this ordinance are declared to be severable. The City Council hereby declares it would have adopted each and every provision and portion thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would subsequently be declared invalid or unconstitutional.

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 (ICO), found in Council File No. 20-0065, which will expire after the one year extension approved by Council on December 16, 2020. The ICO 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 to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
KATHRYN C. PHELAN
Deputy City Attorney

Date 7/22/21

File No. 19-0742

Pursuant to Charter Section 559, I **disapprove** this ordinance on behalf of the City Planning Commission and recommend that it **not** be adopted.


VINCENT P. BERTONI, AICP
Director of Planning

Date July 20, 2021

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____