



City of Tacoma
Planning and Development Services

**Agenda Item
D-1**

To: Planning Commission
From: Ian Munce, Special Assistant to the Director
Subject: **Correctional Facilities Interim Regulations**
Meeting Date: November 1, 2017
Memo Date: October 25, 2017

At the next meeting on November 1, 2017, the Planning Commission will continue its discussion on the Correctional Facilities Interim Regulations. The project's timeline to date is summarized below:

- March 7, 2017 – City Council enacted interim regulations, effective for 6 months (expiring on September 6, 2017) (Ordinance No. 28417)
- April 21, 2017 – Planning Commission forwarded a report without a recommendation to the City Council (Attachment “A”)
- April 25, 2017 – City Council conducted a public hearing (Attachments “B” and “C”)
- May 9, 2017 – City Council modified interim regulations and extended the duration to 12 months (expiring on March 6, 2018) (Ordinance No. 28429) (Attachment “D”)

The Planning Commission has not been able to work on this subject since May, due to the need to redirect its resources to other urgent and priority planning projects. The Commission will now begin to develop permanent regulations, and is tentatively scheduled to conduct a public hearing and make a recommendation to the City Council in January 2018, in time for the City Council to conduct its review (including a public hearing) and adoption of the proposed permanent regulations before the interim regulations expire in March, 2018.

To facilitate the Commission's review on November 1st, attached is a discussion outline identifying main issues to be addressed and approaches to addressing them and incorporating them into the permanent regulations (Attachment “E”). The discussion outline was developed based in large part on some key background documents, including the Draft Findings of Fact and Recommendations Report that the Commission forwarded to the City Council in April (Attachment “A”), the testimony and written comments received by the City Council at its public hearing on April 25th (Attachments “B” and “C”), and Ordinance No. 28429 (Attachment “D”).

If you have any questions, please contact me at (253) 573-2478 or imunce@cityoftacoma.org.

Attachments:

- A. Planning Commission Draft Findings of Fact and Recommendations Report, April 21, 2017
- B. Transcript of the City Council Public Hearing, April 25, 2017
- C. Written Comments Received by the City Council, April 25, 2017
- D. Ordinance No. 28429, May 9, 2017
- E. Draft Correctional Facilities Permanent Regulations Discussion Outline, November 1, 2017

c. Peter Huffman, Director



**City of Tacoma
Planning Commission**

April 21, 2017

Honorable Mayor and Members of the City Council:

On behalf of the Planning Commission, I am forwarding a draft set of findings of fact and recommendations regarding the Correctional Facilities Interim Regulations enacted by the City Council on March 7, 2017, per Ordinance No. 28417. The Commission spent hours debating the content and merits of the interim regulations; disappointingly, we were unable to find a clear consensus on the findings of fact report and we are not making a recommendation to the City Council at this time.

The Commission acknowledges and very much appreciates the Council's intent and objectives in enacting the interim regulations, which highlight community concerns about correctional and detention facilities generally as well as how they are currently regulated in the City's zoning code. The Commission also acknowledges the sentiment of the community regarding immigration, social justice and associated issues. President Donald Trump's xenophobic and racist rhetoric, coupled with his stated desire to expand detention and deportation efforts, runs in direct conflict with the city's adopted policy to be a welcoming, inclusive, equitable and socially just community. In my view, the Commission is committed to opposing Trump's immigration policies and addressing these issues in the immediate future is a priority.

While the proposed interim regulations seek to reconcile the city's social justice policies with the land use code, there is a distinct split in the Commission's view about the legality and appropriateness of the city's use of our land use regulatory authority to potentially address these types of broad-reaching, politically charged, and largely national-level issues. Some Commissioners feel that the ordinance being considered is an appropriate use of legislative activism to resist federal policy that is in direct conflict with Tacoma's policies – other Commissioners are concerned about the use of the zoning code for these purposes. Furthermore, and most importantly, the majority of the Commission feels that the Council's request to work on adoption of final regulations concerning correctional facility land uses will offset a number of other long-term work items that the Commission has been engaged in for some time, specifically the Tacoma Mall Subarea Plan and planned action EIS.

While the Commission is concerned about the objectives, impact and potential legal issues surrounding the imposition of the interim regulations, the Commission also recognizes that there are a number of legitimate land use issues regarding correctional facilities that deserve further analysis and community discussion, particularly in regards to public jails and correctional facilities. Both of the public correctional facilities in the city (Pierce County Jail and Remann Hall) are non-conforming.

Given the unique circumstances surrounding the interim regulations, which encompass both land use and non-land use perspectives, the Commission recommends the following 3-phased action strategy as the path forward:

1. Immediate Action – Upon the completion of the Council's public hearing on this matter on April 25, 2017, the City Council needs to determine the legal risks associated with splitting public and private correctional facilities into two categories and regulating them separately. The City Attorney's office has advised the Commission that there are legal concerns with this approach, particularly given the construction of the Essential Facilities definition in state law.
2. Short-term Action – Develop permanent regulations for the Council's adoption before the interim regulations expire on September 6, 2017.

3. Long-term Action – Evaluate land uses in the Tideflats area and determine if correctional facilities and other similar “residential” uses and non-industrial uses are appropriate in PMI and M-2 zoning districts. This work can be incorporated into the scope of work related to Councilmember Mello’s CCR request to evaluate the appropriateness of other land uses in the PMI district; alternatively, this work could be integrated into the recently announced subarea planning process for the Port. However, this alternative is a much longer process and may not address the immediacy and urgency of this issue.

Attached is the draft *Planning Commission’s Findings of Fact and Recommendations Report* which documents the Commission’s observations, concerns, deliberations, and unadopted recommendations. Our review and discussion of the matter was robust, vigorous and contentious, with divisive and strong opposing viewpoints. Due to the truncated time schedule and the unresolved issues outlined above, regrettably we were unable to come to a consensus on this issue. But we look forward to our continued work in addressing land use issues associated with correctional facilities and other similar and relevant uses within the City.

Sincerely,



CHRIS BEALE, AICP
Chair, Planning Commission

Enclosure



Correctional Facilities Interim Regulations

(Revisions to TMC 13.06 Zoning)

Planning Commission

Findings of Fact and Recommendations Report

April 19, 2017 Draft

Staff Note:

This draft report was reviewed and amended by the Planning Commission at the meeting on April 19, 2017. However, the Commission's vote to finalize and forward the report to the City Council failed. This report reflects the Commission's work to date on the subject matter.

A. Subject:

Emergency interim zoning regulations pertaining to public and private correctional facilities enacted by the City Council on March 7, 2017, per Ordinance No. 28417 (see Exhibit 1).

B. Summary of the Interim Regulations:

The interim regulations are effective for six months (through September 6, 2017) or until the City's zoning regulations for correctional facilities are permanently updated. The interim regulations amend the Tacoma Municipal Code, Sections 13.06.100, 13.06.200, 13.06.300, 13.06.400, and 13.06.700, as follows:

- Modify the use definition of "correctional facility" to clearly differentiate between public and private correctional facilities;
- Prohibit the siting of private correctional facilities in all zoning districts;
- Remove public correctional facilities as a permitted use in multi-family and light-industrial zoning districts (i.e., R-4-L, R-4, R-5, and M-1); and
- Modify how public correctional facilities are permitted by requiring approval of a Conditional Use Permit in all districts in which they are allowed (currently, M-2 Heavy Industrial and PMI Port Maritime & Industrial).

C. Findings of Fact:

Part One – Legislative Intent:

The Planning Commission acknowledges and understands the following recitals as set forth in Ordinance No. 28417 that enunciate the City Council's legislative intent and rationale for imposing the emergency interim regulations:

1. The Port/Tideflats area of Tacoma is regionally and locally designated as (a) an important Manufacturing/Industrial Center ("M/IC"), (b) a location with unique characteristics that should serve as a long-term and growing employment center with a focus on manufacturing and industrial uses, and (c) particularly within the Port Maritime & Industrial ("PMI") District, an area where uses are intended to focus on shoreline-related uses and support services.
2. The PMI area is also subject to numerous unique environmental constraints, some related to its past and ongoing industrial activities, such as noise, safety, and contamination issues, and some related to its physical location within a floodplain and potential liquefaction and volcanic hazard zones.

3. Recent proposals and community discussion have highlighted that the City's existing industrial zoning allows for a wide variety of uses, some of which may no longer be compatible with the policies for this area and others where correctional facilities are currently allowed, and the City as a whole, as well as the changing landscape around it. [Note: The words "existing" and "currently" used in this recital denote the conditions before the imposition of the interim regulations.]
4. The existing notification, outreach, and permitting process requirements for certain types of uses, such as correctional facilities, may not appropriately reflect the level of community interest in them and/or their potential scale of impact.
5. The Northwest Detention Center ("NWDC"), which is a privately owned and operated federal immigration detention center, was opened in 2004 and expanded in 2008, and the facility, located at 1623 East J Street in the Port/Tideflats area and in the PMI zoning district, is currently permitted to accommodate up to 1,575 detainees.
6. Recent changes in the national political climate have contributed to uncertainty as to the need for, and potential expansion of correctional facilities in communities such as Tacoma.
7. The federal Department of Homeland Security is on record stating its desire to increase and secure additional detention facilities such as the privately owned and operated NWDC.
8. The use currently engaged in by the NWDC has been referred to as a "correctional facility," however, the City's existing correctional facility designation is generally tailored to public correctional facilities and not private facilities. [Note: This recital denotes the conditions before the imposition of the interim regulations.]
9. The City's existing regulations do not clearly distinguish between public and private facilities, and also do little to ensure sufficient community engagement and discretionary review of any proposals to site such facilities in this heavy industrial area, or any other areas where correctional facilities are currently allowed. [Note: The words "existing" and "currently" used in this recital denote the conditions before the imposition of the interim regulations.]
10. The adoption of the interim zoning regulations regarding public and private correctional facilities, effective for a six-month period, or until the City's zoning regulations for such facilities are permanently updated, would allow time for the City Council to conduct appropriate research, analyze potential impacts and applicable local, state and regional policies, and determine the appropriate permanent regulatory framework for correctional facilities in Tacoma.
11. Requiring conditional use permits for new or expanded facilities (as part of the interim regulations) will better ensure that the review of any proposal includes significant community outreach and the opportunity for local discretionary review addressing applicable policies and standards, as well as potential impacts and compatibility issues associated with siting these types of facilities.
12. The potential adverse impacts on the public health, public safety, public property, and public peace justify the passage of the interim emergency ordinance.

Part Two – Additional Facts, Observations, and Concerns:

In addition to the City Council's legislative intent, the Planning Commission has also identified the following factual information, observations and concerns associated with the interim regulations:

13. There are three facilities that are affected by the interim regulations, i.e., the Northwest Detention Center (NWDC), the Pierce County Jail, and the Pierce County Juvenile Detention Center (Remann Hall).
14. The NWDC (see Exhibit 2a) is a privately-run federal immigration detention center that is located in the PMI zoning district. With the interim regulations, this facility becomes a nonconforming use, and as such, is limited in its ability to expand.
15. The Pierce County Jail (see Exhibit 2b), located at 910 Tacoma Avenue S., is a public correctional facility run by the Pierce County Sheriff's Department – Corrections Bureau. The jail is comprised of two facilities, i.e., the Main Jail that was built in 1985 and the New Jail that was built in 2003. It has an operational capacity for 1,700 inmates and currently employs approximately 300 correctional staff. The jail is located in the Downtown Mixed-Use (DMU) zoning district, where "jails and correctional facilities" are a prohibited use (per TMC 13.06A.050). The jail was already a nonconforming use before the imposition of the interim regulations and is not significantly impacted by the interim regulations.
16. Remann Hall (see Exhibit 2c), located at 5501 6th Avenue, is a public correctional facility run by the Pierce County Juvenile Court. Located in the R2 – Single Family Dwelling District, the facility was already a nonconforming use before the imposition of the interim regulations and is not significantly impacted by the interim regulations.
17. As nonconforming uses, the three facilities mentioned above are not prevented from, but are limited in their ability to expand. Proposed expansions of nonconforming uses, subject to the City's review and approval, generally shall not result in an increase in vehicular trips (more than 10%), parking spaces (more than 10%), noise, light or glare, outdoors storage of goods or materials, and hours of operation.
18. While it is clearly the intent of the City Council to prohibit new and expanded private correctional facilities, the interim regulations only address the siting of new facilities and are silent about the expansion of existing ones. To better align with the Council's intent, consideration could be given to modifying the interim regulations to incorporate some or all of the following potential provisions: (a) prohibiting any planned expansion of private correctional facilities; or (b) allowing limited expansion of private correctional facilities through the conditional use permit review and approval process for nonconforming use, provided that the expansion does not increase the facility's boarding capacity, i.e., the number of detainees.
19. With respect to the current national political environment and the uncertainty it has instigated (and in reference to Council's legislative intent #6 above), the Commission suggests that recent changes in the political dialogue that have led to a drastically shifted immigration and deportation policy of the federal government have contributed to a re-examination of the City's zoning allowances for detention and correctional facilities. This careful re-examination is pursuant to new federal immigration policy which runs counter to Tacoma as a welcoming, inclusive, equitable and socially just city.
20. There is a strong connection between the interim regulations and the City's policies and practices in promoting and enhancing important community values associated with human rights, social justice, equity, and the well-being of citizens. The following are some examples of such policies and practices:

- a) Policies on Public Facilities – The *One Tacoma* Comprehensive Plan’s Public Facilities and Services Element provides:
 - Policy PFS–7.2: “Incorporate consideration of physical health and well-being into decisions regarding the location, design, and operation of public facilities.”
 - Policy PFS–7.3: “Incorporate community values and goals in decisions on location, design, and operation of facilities.”
 - b) Goal on Equity – The *One Tacoma* Comprehensive Plan’s Engagement, Administration and Implementation Element states that one of the goals of the City is to “Achieve greater equity in decision-making by intentionally engaging across the different demographic, racial, cultural and economic spectrums that make up our community.”
 - c) Equity as a Core Value – *Tacoma 2025*, the Ten-Year Citywide Strategic Plan and Vision, adopted by the City Council on January 27, 2015, per Resolution No. 39016, identifies “Opportunity, Equity, Partnerships and Accountability” as the four core values that inspire the work priorities and focus and support the quality of life in Tacoma. With respect to Equity, *Tacoma 2025* further articulates that “Communities of color and immigrant communities are fundamental to Tacoma’s entrepreneurial spirit, workforce, and long-term success. In Tacoma, equity and empowerment are top priorities, meaning that all Tacoma residents must have equitable opportunities to reach their full potential and share in the benefits of community progress.”
 - d) The Equity and Empowerment Initiative – Adopted by the City Council on September 30, 2014, per Resolution No. 39019, the initiative seeks to have purposeful community outreach and engagement, and supports human rights and opportunities for every person to achieve their full potential.
 - e) Welcoming City – The City Council adopted Resolution No. 39116 on February 17, 2015, authorizing the City's membership in the Welcoming Cities and Counties Initiative, which encourages communities to create more welcoming, immigrant-friendly environments that maximize opportunities for economic growth and cultural vitality. The City Council supports all efforts to make the City more vibrant, inclusive, and welcoming for all people, including its immigrant community.
 - f) The Immigrant and Refugee Task Force – Established by the City Council on January 31, 2017, by Resolution No. 39642, the task force is charged to further the City’s vision as an inclusive and equitable city and to foster a knowledgeable and safe community by including immigrants in conversations.
21. As referenced in Ordinance No. 28417, the PMI area is subject to numerous unique environmental constraints, such as noise, safety, contamination, as well as being located within a floodplain and potential liquefaction and volcanic hazard zones (see Council’s legislative intent #2 above). From the perspectives of public health, public safety, and quality of life, the interim regulations raise a legitimate concern of whether residential use, especially “non-typical residential use”, is appropriate in heavy industrial areas. Such “non-typical residential use” may include such uses as correctional facilities, juvenile community facilities, work release centers, special needs housing, and work-live/live-work. Further study on this issue should be considered.
22. Concerning residential use in industrial areas, the *One Tacoma* Comprehensive Plan, Urban Form Element, “Manufacturing + Industrial Areas” section, provides that: “Manufacturing/Industrial areas are in the low, flat areas along the Port/ Tideflats and the Nalley Valley. The manufacturing and distribution sectors concentrate here.

Manufacturing/industrial centers are intended to be well-served by major transportation facilities including rail, interstate and transit systems. Many of the industrial uses are land intensive in nature. To preserve land at these centers, large retail, residential or nonrelated office uses are discouraged.”

23. Issues relating to what land uses are appropriate for heavy industrial areas can also be incorporated into the scopes of work of the following initiatives:
 - a) Council Consideration Request (CCR) – Council Member Ryan Mello initiated a CCR on March 16, 2017, concurred by the City Council on March 21, concerning implementing the Container Port Element of the *One Tacoma* Comprehensive Plan. The CCR directs staff and the Planning Commission to develop possible modifications to the City's zoning, subdivision, and development regulations to specifically address the incompatibilities of non-industrial uses with the long-term viability of the Tideflats as a heavy industrial and container shipping area, as called for by the Container Port Element.
 - b) The Potential Tideflats Subarea Plan – According to a news release on March 30, 2017, the City of Tacoma and the Port of Tacoma have agreed to begin negotiation for an Interlocal Agreement (ILA) to specify the roles and responsibilities of the agencies in the joint effort to develop a Tacoma Tideflats subarea plan. The subarea plan will offer a streamlined, comprehensive approach for exploring opportunities and addressing concerns raised by community members, businesses, the City Council, and the Port of Tacoma about activities and future development in the Tacoma Tideflats.
24. Concerning the interim regulations removing correctional facilities as an allowed use in multi-family residential zones, the changes appear to address a potential for incompatible land uses in these areas. This is an issue that should be further evaluated as part of the permanent regulations.
25. Concerning the interim regulations’ implementation of a conditional use permit requirement for correctional facilities where they are allowed, this modification will better ensure broader notification and consideration of any new project, which appears both appropriate in the interim as an issue that should be further evaluated as part of the permanent regulations.
26. With the interim regulations, public and private correctional facilities are distinguished and regulated differently, which is uncommon in the City’s zoning code. The potential effects of this code provision need to be explored and alternatives developed as appropriate.
27. The interim regulations prohibit the siting of private correctional facilities in all zoning districts. This restriction, even as an interim measure, may be subject to challenge based on potential inconsistency with state provisions concerning “essential public facilities,” which are addressed in the state Growth Management Act (see Revised Code of Washington, RCW 36.70A.200). The Commission refers to the following relevant provisions as set forth in the Washington Administrative Code:
 - For the purposes of identifying facilities subject to the "essential public facilities" siting process, it is not necessary that the facilities be publicly owned (WAC 365-196-550(1)(b)).
 - The key considerations for identifying an essential public facility is whether it provides or is necessary to provide a public service and whether it is difficult to site (WAC 365-196-550(1)(f)).

- Per WAC 365-196-550(3)(a), cities and counties may not use their comprehensive plan or development regulations to preclude the siting of essential public facilities.
- The permitting process for Essential Public Facilities may include reasonable requirements such as a conditional use permit (WAC 365-196-550(6)(c)).

The Commission has also received information indicating the City's consideration of the NWDC as an essential public facility in 2009 (see Exhibit 3a) and legal advice concerning the siting of essential public facilities (see Exhibit 3b). Based on the above information, the Commission believes that private correctional facilities should be considered essential public facilities, and as such, cannot be prohibited by the Comprehensive Plan and/or development regulations, but can be regulated and conditioned in order to mitigate their potential impacts.

28. Developing the permanent regulations would require a significant amount of staffing resources and the Planning Commission's attention, which would affect the progress of some on-going and emerging projects of high priority, such as the Tacoma Mall Neighborhood Subarea Plan, private applications for the 2017-2018 Amendment to the Comprehensive Plan and Land Use Regulatory Code, and other Council, Commission, and community-initiated planning projects.

D. Work Plan for Permanent Regulations:

Pursuant to TMC 13.02.055, the Planning Commission should recommend a work plan to the City Council for the development of permanent regulations. The work plan includes two components: (a) scope of work (i.e., issues to be addressed), and (b) schedule (i.e., time needed for carrying out the scope of work).

Scope of Work:

The Commission has identified some issues, as outlined below, that should be addressed, should the City Council decide to pursue the development of permanent regulations.

1. Nonconforming Use – Should correctional facilities (public or private) as a nonconforming use be allowed to expand, and if so, to what extent?
2. Essential Public Facilities – The issue concerning whether the newly defined “private correctional facilities” are considered essential public facilities as defined in and regulated by the Growth Management Act (RCW 36.70A) may need to be further examined, and the code revised accordingly.
3. Conditional Use Permits (CUP) – Is the existing administrative and public process for CUPs appropriate for correctional facilities that are allowed through a CUP in some zoning districts? Should the CUP process be modified based on the significance of these types of projects?
4. Public vs. Private Facilities – With the interim regulations, public and private correctional facilities are distinguished and regulated differently, which is uncommon in the City's zoning code. The potential effects of this code provision need to be explored and alternatives developed as appropriate.
5. Code Clarifications – Clarify code language where needed, such as removal of the obsolete footnote regarding side yards for correctional facilities in residential districts (Section 13.02.100.C).

6. Land Use on the Tideflats – Are correctional facilities and other similar non-typical residential uses such as special needs housing and work release centers appropriate for heavy industrial areas? Are other non-industrial uses appropriate for the Tideflats? As noted below, this issue may be more appropriately addressed as part a more comprehensive industrial area land use review, such as the upcoming subarea plan project.

Timeline:

The Commission has developed a tentative timeline to accomplish the City Council’s intent to adopt permanent regulations within six months, i.e., prior to the expiration of the interim regulations on September 6, 2017. As illustrated below, the schedule implies that the work is expected to be done on a relatively fast track and the scope of work (or issues to be studied) would thus necessarily be limited. The schedule also suggests that the 6-month duration for the interim regulations as set forth in Ordinance No. 28417 is considered appropriate.

Date	Event
March 7, 2017	City Council – Enacted interim regulations (Ordinance No. 28417)
April 5	Planning Commission – Review interim regulations.
April 19	Planning Commission – Develop findings of fact and a recommendation and the work plan for permanent regulations.
April 25	City Council – Study Session to review the Commission’s recommendation
April 25	City Council – Public Hearing on the interim regulations
May 3, 17, and June 7	Planning Commission – Develop draft permanent regulations.
June 13	City Council – Study Session to review the draft permanent regulations.
June 21	Planning Commission – Release draft permanent regulations for public review and set July 19 for a public hearing. (SEPA determination is issued.)
July 19	Planning Commission – Public Hearing on the draft permanent regulations
August 2	Planning Commission – Recommend permanent regulations to the Council.
August 8	City Council – Resolution to set public hearing date for August 22.
August 15	City Council – Study Session to review the recommended permanent regulations.
August 22	City Council – Public Hearing on the recommended permanent regulations.
August 22	City Council – First reading of ordinance adopting permanent regulations.
August 29, 2017	City Council – Final reading of ordinance adopting permanent regulations, effective immediately. Interim regulations expire (scheduled expiration: September 6, 2017).

E. Conclusions and Recommendations:

The Planning Commission acknowledges and understands the City Council's intent and objectives in enacting the interim regulations, which highlight community concerns about correctional facilities generally as well as how they are currently regulated in the City’s zoning code. The Commission realizes the uncertainty instigated by the current national political environment on such issues as equity, social justice, and human rights. The Commission feels the sentiment and concerns of the

community about these issues. However, the Commission has great concerns about using the City's land use regulatory authority to potentially try and address these types of broad-reaching, politically charged, and largely national-level issues. The Commission is also concerned that processing the interim regulations and developing permanent regulations would require a significant amount of staffing resources, which would affect the progress of other on-going and emerging projects of high priority.

While the Commission is concerned about the objectives, impact and potential legal issues surrounding the imposition of the interim regulations, the Commission also recognizes that there are a number of legitimate land use issues regarding correctional facilities that deserve further analysis and community discussion. These include issues related to the appropriate zoning districts, development standards and permitting process for correctional facilities. In addition, given the unique circumstances surrounding the interim regulations, which encompass both land use and non-land use perspectives, and in response to and respecting the City Council's intent, the Planning Commission considers it prudent to focus on the task presented to it and formulate appropriate recommendations for the Council's consideration. The Commission recommends the following 3-phased action strategy as the path forward:

1. Immediate Action –Upon the completion of the public hearing on this matter on April 25, 2017, the City Council needs to determine the legal risks associated with splitting public and private correctional facilities into two categories and regulating them separately. The City Attorney's Office has advised the Commission that there are legal concerns with this approach, particularly given the construction of the Essential Public Facilities definition in state law.
2. Short-term Action – Develop permanent regulations for adoption before the interim regulations expire on September 6, 2017. Address such issues as essential public facilities, conditional use permit process for correctional facilities, public vs. private facilities, and necessary clarifications of the code language. Assess the need for expansion of the three affected facilities.
3. Long-term Action – Evaluate land uses in the Tideflats area and determine if correctional facilities and other similar residential uses and non-industrial uses are appropriate in PMI and M-2 zoning districts. This work can be incorporated into the scopes of work for the Council Consideration Request concerning the Implementation of the Container Port Element of the Comprehensive Plan and for the potential Tideflats Subarea Plan that is being contemplated by the City of Tacoma and the Port of Tacoma.

F. Exhibits:

1. Ordinance No. 28417, March 7, 2017
2. Location and Parcel Maps:
 - a. Northwest Detention Center
 - b. Pierce County Jail
 - c. Pierce County Juvenile Detention Center (Remann Hall)
3. Information relating to Essential Public Facilities:
 - a. Email from Joan Mell to Staff, April 14, 2017, transmitting correspondence concerning the City considering the NWDC as an essential public facility
 - b. Memo from the City Attorney's Office to the Planning Commission, April 18, 2017, concerning "Siting of Essential Public Facilities and City Ordinance 28417"



ORDINANCE NO. 28417

1 BY REQUEST OF COUNCIL MEMBER CAMPBELL

2 AN INTERIM EMERGENCY ORDINANCE relating to land use regulations,
3 enacting interim zoning regulations; amending Chapter 13.06 of the
4 Tacoma Municipal Code ("TMC") at Sections 13.06.100, 13.06.200,
5 13.06.300, 13.06.400, and 13.06.700, pertaining to the definition and siting
6 of public correctional facilities; establishing a work plan for review and
7 development of permanent regulations relating to siting public correctional
8 facilities, and setting April 25, 2017 as the date for a public hearing on the
9 subject matter hereof.

10 WHEREAS, pursuant to RCW 36.70A.390 and TMC 13.02.055, the City
11 Council has the authority to enact interim zoning ordinances on an emergency
12 basis, and

13 WHEREAS Section 2.12 of the Tacoma City Charter provides for the
14 emergency passage of ordinances when the Council declares that a public
15 emergency exists and states the facts constituting such an emergency, and

16 WHEREAS the Port/Tideflats area of Tacoma is regionally and locally
17 designated as (a) an important Manufacturing/Industrial Center ("M/IC"), (b) a
18 location with unique characteristics that should serve as a long-term and growing
19 employment center with a focus on manufacturing and industrial uses, and (c)
20 particularly within the Port Maritime & Industrial ("PMI") District, an area where
21 uses are intended to focus on shoreline-related uses and support services, and

22 WHEREAS this area (the PMI) is also subject to numerous unique
23 environmental constraints, some related to its past and ongoing industrial activities,
24 such as noise, safety, and contamination issues, and some related to its physical
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location within a floodplain and potential liquefaction and volcanic hazard zones,
and

WHEREAS recent proposals and community discussion have highlighted that the City's existing industrial zoning allows for a wide variety of uses, some of which may no longer be compatible with the policies for this area and others where correctional facilities are currently allowed, and the City as a whole, as well as the changing landscape around it, and

WHEREAS the existing notification, outreach, and permitting process requirements for certain types of uses, such as correctional facilities, may not appropriately reflect the level of community interest in them and/or their potential scale of impact, and

WHEREAS the Northwest Detention Center ("NDC"), which is a privately owned and operated federal immigration detention center, was opened in 2004 and expanded in 2008, and the facility, located at 1623 East J Street in the Port/Tideflats area and in the PMI zoning district, is currently permitted to accommodate up to 1,575 detainees, and

WHEREAS recent changes in the national political climate have contributed to uncertainty as to the need for, and potential expansion of correctional facilities in communities such as Tacoma, and

WHEREAS, the federal Department of Homeland Security is on record stating its desire to increase and secure additional detention facilities such as the privately owned and operated NDC, and



WHEREAS the use currently engaged in by the NDC has been referred to as a “correctional facility,” however, the City’s existing correctional facility designation is generally tailored to public correctional facilities and not private facilities, and

WHEREAS the City’s existing regulations do not clearly distinguish between public and private facilities, and also do little to ensure sufficient community engagement and discretionary review of any proposals to site such facilities in this heavy industrial area, or any other areas where correctional facilities are currently allowed, and

WHEREAS the City desires to enact interim zoning regulations regarding public and private correctional facilities, effective for a six-month period, or until the City’s zoning regulations for such facilities are permanently updated, to allow time for the City Council to conduct appropriate research, analyze potential impacts and applicable local, state and regional policies, and determine the appropriate permanent regulatory framework for correctional facilities in Tacoma, and to hold a public hearing on the interim, emergency zoning ordinance within 60 days of the enactment of the same, and

WHEREAS the proposed Interim regulations would, on an interim basis, amend the City’s zoning code, Chapter 13.06 of the Tacoma Municipal Code, as follows: (1) Modify the use definition of “correctional facilities” to clearly differentiate between public and private facilities; (2) remove correctional facilities as a permitted use in the City’s multi-family and light-industrial zoning districts; (3) modify how public correctional facilities are permitted by requiring approval of a



Conditional Use Permit in all districts in which they are allowed; and (4) identify private correctional facilities as an unpermitted use in all zoning districts, and

WHEREAS requiring conditional use permits for new or expanded facilities, in the interim, will better ensure that the review of any proposal includes significant community outreach and the opportunity for local discretionary review addressing applicable policies and standards, as well as potential impacts and compatibility issues associated with siting these types of facilities, and

WHEREAS the potential adverse impacts on the public health, public safety, public property, and public peace justify the passage of an Interim emergency ordinance; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 13.06 of the Tacoma Municipal Code ("TMC") is hereby amended at Sections 13.06.100, 13.06.200, 13.06.300, 13.06.400, and 13.06.700, pertaining to the definition and siting of public (and private) correctional facilities, as set forth in the attached Exhibit "A."

Section 2. Duration. That the Interim zoning regulations enacted by this ordinance shall be in effect for six (6) months following the effective date of this ordinance, and may be renewed as provided by law.

Section 3. Public Hearing Required. That, as required by RCW 36.70A.390 and TMC 13.02.055 B., a public hearing is hereby set for April 25, 2017, at approximately 5:15 p.m., in the City Council Chambers on the First Floor of the Tacoma Municipal Building, 747 Market Street, Tacoma, Washington, during which



the City Council will take public comment on the interim zoning regulations and will
adopt the necessary findings required by law.

Section 4. Work Plan. That a work plan shall be established for the review
and development of permanent regulations relating to siting public correctional
facilities.

Section 5. Emergency Declared - Immediate Effect. For the reasons set
forth above, and to promote the objectives stated above, the City Council finds that
a public emergency exists, necessitating that this ordinance take effect
immediately upon its passage by at least six (6) Tacoma City Council Members in
order to protect the public health, safety, property, and general welfare.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

EXHIBIT “A

Chapter 13.06

ZONING

* * *

13.06.100 Residential Districts.

The 100 series will contain regulations for all residential classifications, including the following:

R-1	Single-Family Dwelling District
R-2	Single-Family Dwelling District
R-2SRD	Residential Special Review District
HMR-SRD	Historic Mixed Residential Special Review District
R-3	Two-Family Dwelling District
R-4	Multiple-Family Dwelling District
R-4-L	Low-Density Multiple-Family Dwelling District
R-5	Multiple-Family Dwelling District
PRD	Planned Residential Development District (see Section 13.06.140)

* * *

C. Land use requirements.

5. District use table. (see next page for table)

Tacoma Municipal Code

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ¹
Accessory uses and buildings	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.100.F
Adult family home	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.535
Adult retail and entertainment	N	N	N	N	N	N	N	N	
Agricultural uses	CU	CU	CU	CU	CU	CU	CU	CU	Such uses shall not be located on a parcel of land containing less than 20,000 square feet of area. Buildings shall not be permitted in connection with such use, except greenhouses having total floor area not in excess of 600 square feet. Livestock is not allowed.
Airports	CU	CU	CU	CU	CU	CU	CU	CU	
Ambulance services	N	N	N	N	N	N	N	N	
Animal sales and service	N	N	N	N	N	N	N	N	
Assembly facility	N	N	N	N	N	CU	CU	CU	
Brewpub	N	N	N	N	N	N	N	N	
Building materials and services	N	N	N	N	N	N	N	N	
Business support services	N	N	N	N	N	N	N	N	
Carnival	N	N	N	N	N	N	N	N	Subject to additional requirements contained in Section 13.06.635.
Cemetery/internment services	N/CU	N/CU	N/CU	N/CU	N/CU	N/CU	N/CU	N/CU	New facilities are not permitted. Enlargement of facilities in existence prior to the effective date of this provision (May 27, 1975) may be approved in any zoning district subject to a conditional use permit. See Section 13.06.640.
Commercial parking facility	N	N	N	N	N	N	N	N	Subject to additional requirements contained in Section 13.06.510.
Commercial recreation and entertainment	N	N	N	N	N	N	N	N	
Communication facility	CU	CU	CU	CU	CU	CU	CU	CU	Antennas for such facilities are subject to the additional requirements contained in Section 13.06.545.

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ¹
Confidential Shelter	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.535.
Continuing care retirement community	N	N	N	N	P	P	P	P	Subject to additional requirements contained in Section 13.06.535.
Correctional facility, public or private	N	N	N	N	N	CU-N	CU-N	CU-N	Side yards shall be provided as specified in Section 13.06.602.

* * *

13.06.200 Commercial Districts.

* * *

C. Land use requirements.

1. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.200. All portions of Section 13.06.200 and applicable portions of Section 13.06.500 apply to all new development of any land use variety, including additions and remodels, in all districts in Section 13.06.200, unless explicit exceptions or modifications are noted. The requirements of Section 13.06.200.A through Section 13.06.200.C are not eligible for variance. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply.

2. Pedestrian streets designated. Figure 7 of the Comprehensive Plan designates Corridors that are considered key streets for integrating land use and transportation and achieving the goals of the Urban Form and Design and Development Elements. These Corridors are herein referred to as “Pedestrian Streets.” The designation entails modified design requirements to improve building orientation, definition of the public realm, and pedestrian connectivity.

3. Use requirements. The following use table designates all permitted, limited, and prohibited uses in the districts listed. Use classifications not listed in this section or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.E. Certain street level use restrictions may apply; see Section 13.06.200.C.4 below.

[See next page for table.]

5. District use table.

Uses	T	C-1	C-2 ¹	PDB	Additional Regulations ^{2,3} (also see footnotes at bottom of table)
Adult family home	P	P	P	P	See definition for bed limit.
Adult retail and entertainment	N	N	N	N	Prohibited except as provided for in Section 13.06.525.
Agricultural uses	CU	CU	CU	CU	Such uses shall not be located on a parcel of land containing less than 20,000 square feet of area. Livestock is not allowed.
Airport	CU	CU	CU	CU	
Ambulance services	N	P	P	P	
Animal sales and service	N	P	P	N	Must be conducted entirely within an enclosed building. See Table 13.06.200.D for setback requirements specific to animal sales and service.
Assembly facility	CU	P	P	P	
Brewpub	N	N	P	N	2,400 barrel annual brewpub production maximum, equivalent volume wine limit.
Building materials and services	N	N	P	N	
Business support services	N	P	P	P	
Carnival	TU	TU	TU	TU	Subject to Section 13.06.635.
Cemetery/internment services	N	N	N	N	New facilities are not permitted. Enlargement of facilities in existence prior to the effective date of this provision (May 27, 1975) may be approved in any zoning district subject to a conditional use permit. See Section 13.06.640.
Commercial parking facility	P	P	P	P	
Commercial recreation and entertainment	N	N	P	P	
Communication facility	N	N	P	P	
Confidential shelter	P	P	P	P	See Section 13.06.535. Limit: 15 residents in T District.
Continuing care retirement community	P	P	P	P	See Section 13.06.535.
Correctional facility, public or private	N	N	N	N	

* * *

13.06.300 Mixed-Use Center Districts.

* * *

3. District use table.

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3,4,5} (also see footnotes at bottom of table)
Adult family home	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.535. See definition for bed limit. Prohibited at street level along designated pedestrian streets in NCX. ² Not subject to minimum densities found in Section 13.06.300.E.
Adult retail and entertainment	N	N	N	N	N	N	N	N	Prohibited, except as provided for in Section 13.06.525.
Agricultural uses	N	N	N	N	N	N	N	N	
Airport	CU	CU	CU	CU	CU	CU	CU	CU	
Ambulance services	N	CU	CU	N	P	P	N	N	
Animal sales and service	P	P	P	N	P	N	N	N	Except in the CIX District, must be conducted entirely within an enclosed structure. Must be set back 20 feet from any adjacent residential district or use.
Assembly facility	P	P	P	CU	P	N	N	N	Prohibited at street level along designated pedestrian streets in NCX. ²
Brewpub	P	P	P	P	P	N	N	N	Brewpubs located in NCX, CCX, UCX, and RCX shall be limited to producing, on-premises, a maximum of 2,400 barrels per year of beer, ale, or other malt beverages, as determined by the annual filings of barrelage tax reports to the Washington State Liquor Control Board. Equivalent volume winery limits apply.
Building materials and services	N	P	P	N	P	N	N	N	Prohibited at street level along frontage of designated core pedestrian streets. ²
Business support services	P	P	P	N	P	N	N	N	In NCX, all activities must occur within buildings; outdoor storage/repair is prohibited. Customer service offices must be located at building fronts on designated pedestrian streets in NCX.
Carnival	TU	TU	P	N	TU	TU	TU	N	Subject to Section 13.06.635.
Cemetery/ internment services	N	N	N	N	N	N	N	N	New facilities are not permitted. Enlargement of facilities in existence prior to the effective date of this provision (May 27, 1975) may be approved in any zoning district subject to a conditional use permit. See Section 13.06.640.
Commercial parking facility	P	P	P	N	P	P	N	N	Prohibited at street level along frontage of designated pedestrian streets in NCX and CCX Districts. ²

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3, 4, 5} (also see footnotes at bottom of table)
Commercial recreation and entertainment	P	P	P	N	P	N	N	N	
Communication facility	CU	CU	P	N	P	N	N	N	Prohibited at street level along frontage of designated pedestrian streets in NCX and CCX Districts. ²
Confidential shelter	P	P	P	P	P	P	P	P	See Section 13.06.535. Prohibited at street level along frontage of designated core pedestrian streets in NCX. ² Not subject to minimum densities founding Section 13.06.300.E.
Continuing care retirement community	P	P	P	P	P	P	P	P	See Section 13.06.535. Prohibited at street level along frontage of designated core pedestrian streets in NCX. ²
Correctional facility, public or private	N	N	N	N	N	N	N	N	

* * *

13.06.400 Industrial Districts.

* * *

5. District use table.

Uses	M-1	M-2	PMI	Additional Regulations ¹
Adult family home	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District See Section 13.06.535.
Adult retail and entertainment	P	P	P	Subject to development standards contained in Section 13.06.525.
Agricultural uses	CU	CU	CU	Such uses shall not be located on a parcel of land containing less than 20,000 square feet of area.
Airport	CU	CU	CU	
Ambulance services	P	P	P	
Animal sales and service	P	P	N	
Assembly facility	P	P	N	
Brewpub	P	P	P	
Building material and services	P	P	P	
Business support services	P	P	P	
Carnival	P/TU*	N	N	*Temporary use only within the South Tacoma M/IC Overlay District
Cemetery/internment services	N	N	N	New facilities are not permitted. Enlargement of facilities in existence prior to the effective date of this provision (May 27, 1975) may be approved in any zoning district subject to a conditional use permit. See Section 13.06.640.
Commercial parking facility	P	P	P	
Commercial recreation and entertainment	P/CU*	P/CU*	N	*Within the South Tacoma M/IC Overlay District, a conditional use permit is required for facilities over 10,000 square feet of floor area in the M-2 district and over 15,000 square feet in the M-1 district.
Communication facility	P	P	P	
Confidential shelter	P/N*	N	N	See Section 13.06.535. *Not permitted within the South Tacoma M/IC Overlay District.
Continuing care retirement community	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. See Section 13.06.535.
Correctional facility, public	P N	P CU	P CU	Correctional facility, private is not allowed in M-1, M-2 and PMI

* * *

13.06.700 Definitions and illustrations.

For the purposes of this chapter, certain words and terms are defined as follows: words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the word “building” includes the word “structure”; the word “shall” is mandatory and not directory. For words that are not defined in this chapter, or that do not incorporate a definition by reference, refer to a Webster’s Dictionary published within the last ten years.

* * *

13.06.700.C

Caliper: Diameter of a tree’s trunk or stem measured at a point 6 inches above finish grade if the resulting measurement is up to and including 4 inches. If the resulting measurement is more than 4 inches the point of measurement shall be relocated to 12 inches above finish grade.

Camouflaged (wireless communication facility). A wireless communication facility that is integrated with a building or the landscape in terms of design, colors, materials and height, so as to be disguised, hidden, concealed, masked, or screened from view.

Canopy (or marquee). An ornamental roof-like structure unenclosed on one or more sides and normally used for pedestrian protection and convenience and/or signage.

Car washing facility. A building or portion thereof containing facilities for washing automobiles, either manually or using a fully automatic washing process, requiring no personnel for the conduct of the operation except as is necessary for the collection of money and the maintenance of the facility.

Carnival. A temporary and often traveling establishment at which a combination of attractions or exhibitions, such as rides, shows, displays, eating concessions, and gaming booths, are provided for the purpose of amusement and entertainment.

Catering services. Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption.

Cell site. A tract or parcel or land that contains wireless communication facilities including any antenna, support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to wireless communication facilities.

Cemetery and internment services. Property used for the interring of the dead. This property may include support facilities, such as funeral homes and/or chapels.

Clean construction/demolition/land-clearing (CDL) wastes. CDL wastes are solid wastes produced from construction, remodeling, demolition, or land-clearing operations that have been source separated so that the material is principally composed of asphalt, concrete, brick, or other forms of masonry; non-chemically treated wood (i.e., creosote, paint, preservatives); land-clearing wastes; or other materials approved by the Tacoma-Pierce County Health Department. Yard wastes (i.e., leaves, grass, prunings, and sod), plaster (sheet rock or plasterboard), or any materials other than wood that are likely to produce gases or a leachate during the decomposition process and asbestos wastes are specifically excluded from this definition of clean CDL wastes, unless otherwise approved by the Tacoma-Pierce County Health Department.

Climate-adapted Plant Species. Climate adapted plants include both native and non-native plant species which are able to thrive in the local climate and soil conditions of the City of Tacoma. The two most authoritative references on climate adaptation for plants are the USDA Plant Hardiness Zones and the Sunset Climate Zones.

Collocation. The use of a wireless communication facility or cell site by more than one wireless communication provider.

Commercial parking facility. Lots offering parking to the public, which are not designed for or directly associated with another use. This is distinguished from parking that is provided as part of and accessory to another use, which shall be considered part of the use it serves. This classification includes commuter parking facilities (park & rides), general public parking lots, and similar facilities.

Commercial recreation and entertainment. Private provision of participant or spectator recreation or entertainment. This classification includes uses such as privately operated sports stadiums and arenas, amusement parks, bingo parlors, bowling alleys, billiard parlors, poolrooms, dance halls, ice/roller skating rinks, miniature golf courses, golf driving ranges, archery ranges, scale-model courses, shooting galleries, tennis/racquetball courts, croquet courts, swim clubs, health/fitness clubs, and pinball arcades or electronic gaming centers having more than five coin-operated game machines. This use does not include public or quasi-public parks, recreation or open space, theaters or golf courses. Communication facilities. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding major

utilities. This classification includes radio, television, or recording studios; telephone switching centers; and telegraph offices. This classification does not include wireless communication facilities.

Comprehensive Plan. The official statement of the Tacoma City Council which sets forth its major policies concerning desirable future physical development.

Condominium. A multiple-family dwelling, and its accessory uses and grounds, in which each dwelling unit is individually owned, and all or any part of the dwelling structure, accessory uses, and grounds are owned cooperatively by the owners of said dwelling units, and maintenance functions are performed by required subscriptions from said owners.

Confidential shelter. Shelters for victims of domestic violence, as defined and regulated in RCW 70.123 and WAC 388-61A. Such facilities are characterized by a need for confidentiality.

Construction/demolition/land-clearing (CDL) waste recycling. CDL waste recycling is the storage, processing and/or sale of clean CDL wastes to recover usable products or to regenerate the material where the following activities are further defined:

1. Storage includes the holding of CDL wastes prior to processing and stockpiling of the recycled product and by-products.
2. Processing includes the sorting of clean CDL wastes and the mechanical reduction of these materials by means of an initial mechanical processing operation which results in a raw product to be shipped to secondary processors, but does not include composting.
3. Product sales, including retail and wholesale sales of recycled materials.

Container, shipping/storage. A large, prefabricated box or container made of metal, wood, or similar material utilized for the shipping/storage and distribution of various products or commodities.

Continuing care retirement community. An age-restricted development that provides a continuum of accommodations and care, from independent living to long-term bed care. Due to the wide range of services provided, such facilities generally operate under multiple state-licensing programs.

Convalescent home. See "extended care facility."

Cornice. Projection at the top of a wall; a term applied to construction where the roof and side walls meet.

Correctional facility, private. A privately owned facility under contract with a government agency to provide incarceration or detention services for the incarceration or detention of persons under warrant, awaiting trial on felony or misdemeanor charges, convicted but not yet sentenced, or serving a sentence upon conviction. This definition includes prerelease facilities, but does not include work release centers or juvenile community facilities.

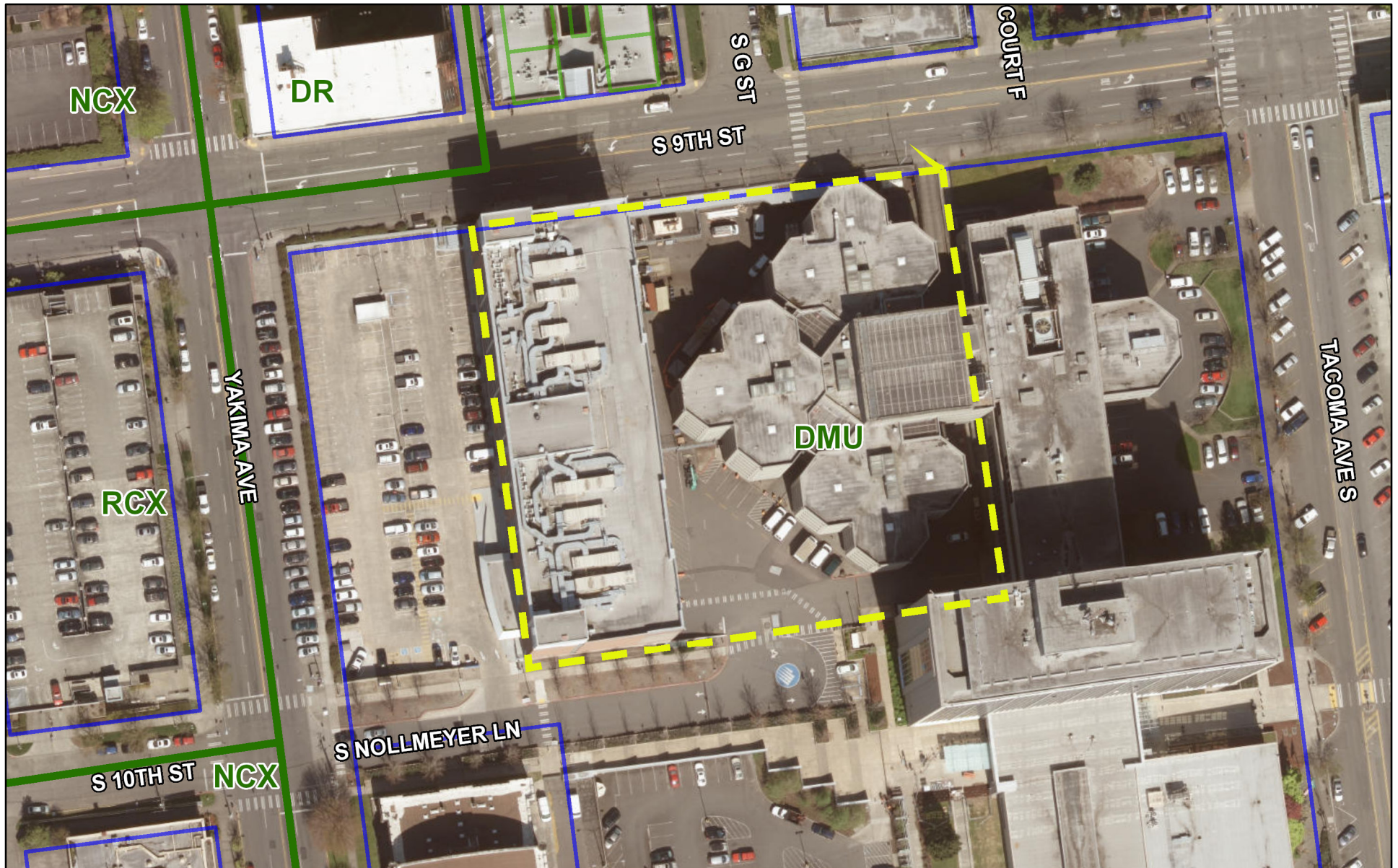
Correctional facility, public. A publicly owned and operated facility for the incarceration of persons under state or local warrant, awaiting trial on state or local felony or misdemeanor charges, convicted of state or local charges, but not yet sentenced, or serving a state or local sentence upon conviction. This definition includes prerelease facilities, but does not include work release centers or juvenile community facilities, nor does it include privately owned, or privately operated facilities regardless of whether any such facility has a contract with any government agency.

* * *

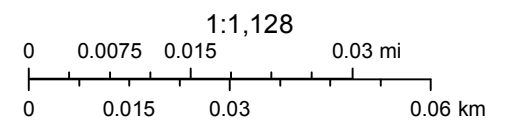
This aerial map illustrates the PMI site, a large industrial facility with a grey roof, situated in an urban area. The site is bounded by a yellow dashed line. Surrounding streets include E 15th St to the north, St Paul Ave to the northeast, and E J St and E F St to the west. A railroad corridor runs along the southern edge of the site. The map also shows various parking lots, industrial buildings, and a green field to the southeast.

PDS | Permit Center
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Pierce County Jail

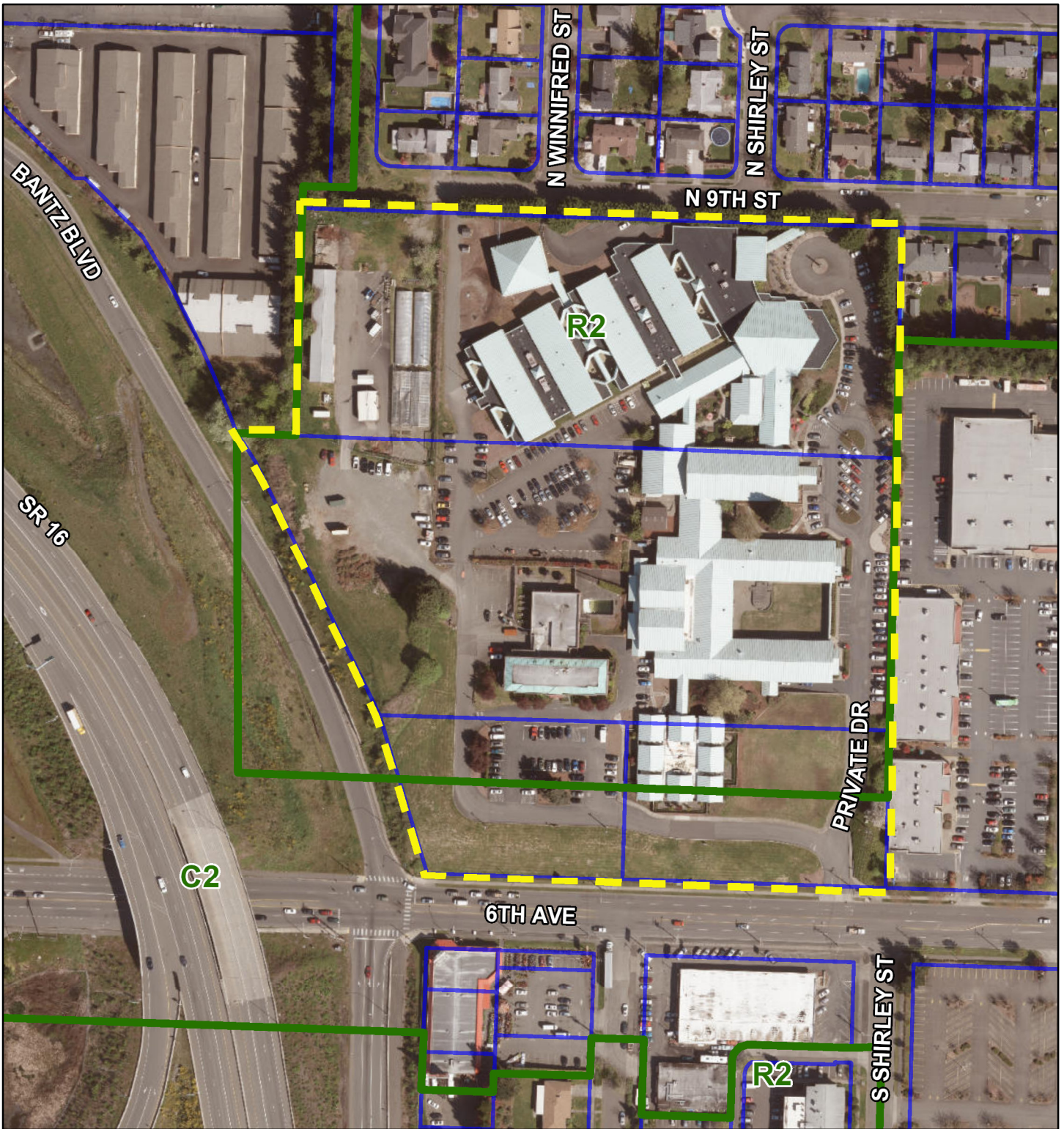


March 23, 2017



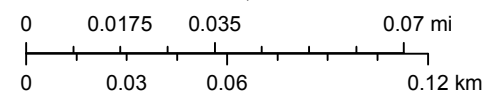
Tacoma IT-GIS
Tacoma Community & Economic Development Department

Remann Hall



March 10, 2017

1:2,257



- Legend:**

 - Tacoma City Boundary
 - Street Names
 - Zoning
 - Parcels (All categories)**
 - Airspace Condominium
 - Base Parcel
 - Building Only
 - Condominium
 - Lease Hold
 - Tax Purpose Only
 - Undivided Interest

Tacoma IT-GIS
Tacoma Community & Economic Development Department

From: Joan Mell [mailto:joan@3brancheslaw.com]
Sent: Friday, April 14, 2017 4:07 PM
To: Wung, Lihuang; Boudet, Brian
Cc: Pauli, Elizabeth (Legal)
Subject: Agenda April 19,2017 - Correctional Facilities Interim Regulations

Can you please make sure the Planning Commissioners receive the attached document before the hearing on the 19th. I found this record in an old PRR Response from the City. The content of significance concerns the City considering the NWDC an “essential public facility” at the time of expansion.

Joan K. Mell
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joan@3brancheslaw.com



City of Tacoma
City Manager

To: Eric Anderson, City Manager

From: Matt Peelen, Management Assistant

Subject: PSHSED Committee's Interest in the NW Detention Center

Date: March 31, 2009

During their March 26th meeting, the Public Safety, Human Services and Education Committee expressed interest in additional information on the Northwest Detention Center. During this discussion the committee identified several issues that they would like to explore:

-
- The jurisdiction of the city in regards to oversight of the Northwest Detention Center.
 - Questions related to the siting and permitting of the Detention Center
 - Any impacts on City departments and services resulting from the Detention Center
 - Questions related to demographics of the Detention Center population

Over time the City has collected various reports and e-mails on the NW Detention Center, many of which address the concerns raised by the Committee. This packet of information was provided to me by Celia Holderman and is attached to this memorandum. I have attempted to classify this information in such a way that it can quickly and efficiently answer the Committee's questions.

What is the City's jurisdiction in oversight of the NW Detention Center?

According to Elizabeth Pauli, this facility is considered by the state Growth Management Act to be an "essential public facility." The Act provides that no local comprehensive plan or development regulation may preclude the siting of essential public facilities. For more information please see Attachment A.

What are the impacts on City departments and services from the NW Detention Center?

In a May 27th memorandum (Attachment D) to Nicole Persaud with MACTEC Engineering regarding impacts on City Service due to NW Detention Center expansion, the Police Department identifies concerns with protests as their only issue with the NW Detention Center to date. The police department goes on to express concerns at the potentiality of the Washington State Department of Corrections and other parties using

space within the Detention Center, which could result in an impact to human service funding.

Sigrun Freeman of the Northwest Leadership Foundation, a group which provides social services to the detainees, identifies in Attachment E a need for service to the population granted a release from the facility as they make their way into the general population. She provides no quantitative data. No other impacts are identified.

How was the NW Detention Center sited and what is the City's role in permitting a facility of this nature?

The NW Detention Center opened in Tacoma in the spring of 2004. A memorandum provided by A. Neil Clark, the Field Office Director of the Seattle Detention and Removal to the Public Safety, Human Services, and Education Committee in September of 2007 is included as Attachment B. The memorandum provides an overview of both the federal program run by the Office of Detention and Removal and the GEO Group, whom own and operate the facility.

Are there any permitting concerns?

As described above and in Attachment A, the City can not prohibit the siting of essential public facilities such as the NW Detention Center. However, the Growth Management Act does not preclude analysis of state environmental requirements, nor the imposition of reasonable mitigation requirements.

What consideration has the City made in regards to their recent proposal to expand the NW Detention Center?

In Attachment C, Charlie Solverson describes the permitting process for the expansion of the NW Detention Center. The expansion project is identified as 104,800 square feet of new construction including 26,000 square feet of a general population housing unit and a 40 bed segregation unit. Permit requirements are identified as a Building Permit, a Grading Permit, and a SEPA addendum.

What are the demographics of the NW Detention Center?

In Attachment B, the countries of origin are identified as being primarily from Central American and East Asian Countries. There is no information on gender or age provided. The average duration of stay for detainees at the Northwest Detention Center is identified as 27 days. In Attachment E, provided by Sigrun Freeman of the Northwest Leadership Foundation, she identifies 9,441 detainees booked into the facility, and 9,258 as booked out in 2007.

Holderman, Celia

Attachment A

From: Holderman, Celia
Sent: Thursday, May 22, 2008 11:09 AM
To: Anderson, Julie; Baarsma, Bill; Fey, Jake; Ladenburg, Connie; Lonergan, Mike; Manthou, Spiro; Strickland, Marilyn; Talbert, Rick; Walker, Lauren
Cc: Anderson, Eric; Pauli, Elizabeth
Subject: Response to CM Anderson's request regarding the Immigration Customs Enforcement Detention Center and Council's authority limitations

Council Members:

Since we don't have a Weekly Report going out today, please see the response below from City Attorney Elizabeth Pauli regarding Council Member Anderson's request for a reminder on the limitations of the Council's authority in regard to "allowing" the Immigration Customs Enforcement detention facility to operate within the City of Tacoma.

Celia

~~PS: Although we won't have Council notebooks going out today, we will still be sending your mail packets home close to 5:00 today.~~

From: Pauli, Elizabeth
Sent: Thursday, May 22, 2008 10:32 AM
To: Anderson, Eric
Cc: Holderman, Celia
Subject: I.C.E. Facility

At the City Council Meeting of May 6th, Councilmember Anderson asked that the Council be provided with a reminder of the limitations on the authority of the Council in regard to "allowing" the Immigration Customs Enforcement detention facility to operate within the City of Tacoma.

This facility is considered by the state Growth Management Act, to be an "essential public facility." Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities. RCW 36.70A.200(1).

The Act provides that no local comprehensive plan or development regulation may preclude the siting of essential public facilities. RCW 36.70A.200(5). This prohibition also applies to the expansion or improvement of an essential public facility, but does not preclude analysis of state environmental requirements, nor the imposition of reasonable mitigation requirements. City of Des Moines v. Puget Sound Reg'l. Council, 108 Wn. App. 836 (1999).

Please feel free to contact me if there are any additional questions.

Elizabeth A. Pauli
 City Attorney

E.

5/22/2008



TO: Tacoma Planning Commission

FROM: The Office of the City Attorney

SUBJECT: **Siting of Essential Public Facilities & City Ordinance 28417**

DATE: April 18, 2017

The Tacoma City Council recently passed emergency, interim development regulations (City Ordinance No. 28417) regarding the “siting [of] public correctional facilities.” TMC 13.02.055 requires that the Planning Commission make findings of fact and recommendations for the City Council’s consideration before any emergency, interim development regulations can be finalized. By this Memo, the City Attorney’s Office is providing the Planning Commission with the following information and guidance:

1. After additional review, the City does not see challenging any designation of the immigration detention facility in the tideflats as an “essential public facility” under RCW 36.70A.200 and WAC 365-196-550 as a viable course going forward;
2. The City understands that essential public facilities must be accounted for in the City’s Comprehensive Plan, and cannot be prohibited by the Comprehensive Plan and/or the City development regulations (WAC 365-196-550 (3) and (6));
3. The siting and permitting of essential public facilities can, however, be regulated and conditioned in order to mitigate potential impacts of the essential public facility (WAC 365-196-550 (6)); and
4. WAC 365-196-550 provides the best guidance, particularly at subsection (6), for the mitigation of potential impacts.



ORDINANCE NO. 28429

1 BY REQUEST OF MAYOR STRICKLAND

2 AN INTERIM ORDINANCE relating to land use regulations; revising interim zoning
3 regulations; amending Chapter 13.05 of the Tacoma Municipal Code ("TMC")
4 at Section 13.05.020 and Chapter 13.06 at Sections 13.06.100, 13.06.200,
5 13.06.300, 13.06.400, 13.06.640, and 13.06.700, pertaining to the siting of
6 correctional facilities; and amending a work plan for review and development
7 of permanent regulations relating to siting correctional facilities.

8 WHEREAS, pursuant to RCW 36.70A.390 and TMC 13.02.055, the City
9 Council has the authority to enact interim zoning ordinances, and

10 WHEREAS, on March 7, 2017, pursuant to Ordinance No. 28417, the City
11 Council enacted Interim Zoning Regulations ("Interim Regulations") for correctional
12 facilities on an emergency basis, and

13 WHEREAS, as adopted, the Interim Regulations are effective for six
14 months, through September 6, 2017, or until the City's zoning regulations for
15 correctional facilities are permanently updated, and

16 WHEREAS the Interim Regulations amended Sections 13.06.100,
17 13.06.200, 13.06.300, 13.06.400, and 13.06.700 of the Tacoma Municipal Code,
18 as follows: (1) modify the use definition of "correctional facility" to clearly
19 differentiate between public and private correctional facilities; (2) prohibit the siting
20 of private correctional facilities in all zoning districts; (3) remove public correctional
21 facilities as a permitted use in multi-family and light-industrial zoning districts (i.e.,
22 R-4-L, R-4, R-5, and M-1); and (4) modify how public correctional facilities are
23 permitted by requiring approval of a Conditional Use Permit in all districts in which
24
25
26



they are allowed (currently, M-2 Heavy Industrial and PMI Port Maritime &
1 Industrial), and

2 WHEREAS the Interim Regulations were intended to allow time for the City
3 to conduct appropriate research and community outreach; analyze potential
4 impacts and applicable local, state and regional policies; and determine the
5 appropriate permanent regulatory framework for correctional facilities in Tacoma,
6 and
7

8 WHEREAS, as requested by the City Council, the Planning Commission
9 reviewed the Interim Regulations and explored both regulatory and non-regulatory
10 issues surrounding them, and
11

12 WHEREAS the Commission had robust discussions that highlighted
13 numerous concerns and diverse opinions about the Interim Regulations and these
14 uses in general, including the relationship between the City's local land use
15 regulatory authority and this politically-charged and largely national-level issue; the
16 impact of the State's Growth Management Act and provisions relative to Essential
17 Public Facilities; broader land use concerns about allowing non-typical "residential"
18 uses in the Tideflats industrial area; the relationship and potential impact of this
19 project on other high-priority projects in the Commission's work program; and the
20 scope and limited time potentially available to consider permanent regulations, and
21
22

23 WHEREAS, while the Commission was able to spend considerable time on
24 this issue, it was unable to reach consensus on a final recommendation on the
25 Interim Regulations; however, the Commission forwarded its work to the City
26



Council relating to observations, concerns, deliberations, and preliminary thoughts
1 on this issue, and

2 WHEREAS, after additional review, discussion, and a public hearing on the
3 emergency Interim Regulations on April 25, 2017, the City Council desires to
4 modify the Interim Regulations, and
5

6 WHEREAS the proposed modifications will amend the Interim Regulations
7 as follows: (1) revise the regulations so they regulate public and private
8 correctional facilities in the same manner; (2) revise permit modification standards
9 to indicate that any modifications that would increase the inmate capacity of an
10 existing facility shall be processed as a major modification; (3) modify the
11 conditional use permit process standards to ensure substantial community
12 engagement as part of any permit for significant modification of an existing
13 correctional facility; and (4) extend the duration of the Interim Regulations from
14 six months to one year, and
15
16

17 WHEREAS, in the interim, requiring conditional use permits for new or
18 expanded facilities will better ensure that the review of any proposal includes
19 significant community outreach and the opportunity for local discretionary review
20 addressing applicable policies and standards, as well as potential impacts,
21 mitigation of those impacts, and compatibility issues, and extending the duration of
22 the interim regulations from six months to one year will better ensure there is
23 adequate time for the City Council, Planning Commission, City staff, and the
24 community to appropriately explore and address this issue, which is complicated
25 and controversial; Now, Therefore,
26



BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 13.05 of the Tacoma Municipal Code ("TMC") is hereby amended at Section 13.05.020, as set forth in the attached Exhibit "A."

Section 2. That Chapter 13.06 of the TMC is hereby amended at Sections 13.06.100, 13.06.200, 13.06.300, 13.06.400, 13.06.640, and 13.06.700, as set forth in the attached Exhibit "B."

Section 3. Duration. That the Interim Zoning Regulations modified by this ordinance shall be extended to a one-year effective period, and may be renewed as provided by law.

Section 4. Work Plan. That the Planning Commission shall develop permanent regulations for City Council's consideration based on the issues, timeline, and approach outlined in this ordinance.

Passed MAY 09 2017


Mayor

Attest:


City Clerk

Approved as to form:


Deputy City Attorney

EXHIBIT "A"

Chapter 13.05 LAND USE PERMIT PROCEDURES

Note: These amendments show proposed changes to existing (interim) Land Use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that has been deleted is shown as ~~striketrough~~.

13.05.020 Notice process.

* * *

H. Notice and Comment Period for Specified Permit Applications. Table H specifies how to notify, the distance required, the comment period allowed, expiration of permits, and who has authority for the decision to be made on the application.

Table H – Notice, Comment and Expiration for Land Use Permits

Permit Type	Pre-application Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
...									
Rezones	Required	400 feet; 1000 feet for public facility site	No; Yes for public facility site	Yes	21 days SEPA ²	Hearing Examiner	Yes	Yes	None
Shoreline/CUP/ variance	Required	400 feet	No	Yes	30 days ⁵	Director	No ¹	No	2 years/ maximum ⁶
Short plat (2-4 lots)	Required	No	No	No	No	Director	No	No	5 years ³
Short plat (5-9 lots)	Required	400 feet	No	Yes	14 days	Director	No ¹	No	5 years ⁶
Site approval	Optional	400 feet	No	Yes	30 days ⁵	Director	No	No	5 years
Conditional use	Required	400 feet; 1000 feet for development sites over 1 acre in size	No	Yes	30 days ⁵	Director	No	No	5 years ⁴
<u>Conditional use, correctional facility (new or major modification)</u>	<u>Required</u>	<u>1,000 feet</u>	<u>Yes</u>	<u>Yes</u>	<u>30 days²</u>	<u>Hearing Examiner</u>	<u>Yes</u>	<u>No</u>	<u>5 years</u>
Conditional use, large-scale retail	Required	1,000 feet	Yes	Yes	30 days ²	Hearing Examiner	Yes	No	5 years

Permit Type	Pre-application Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
Conditional use, master plan	Required	1000 feet	Yes	Yes	30 days ²	Director	Yes	No	10 years
Conditional Use, Minor Modification	Optional	No	No	No	No	Director	No	No	5 years
Conditional Use, Major Modification	Required	400 feet; 1000 feet for public facility sites and master plans	No	Yes	14 days ⁵	Director	No	No	5 years
. . .									

INFORMATION IN THIS TABLE IS FOR REFERENCE PURPOSE ONLY.

* Programmatic Restoration Projects can request 5 year renewals to a maximum of 20 years total.

When an open record hearing is required, all other land use permit applications for a specific site or project shall be considered concurrently by the Hearing Examiner (refer to Section 13.05.040.E).

- ¹ Conditional use permits for wireless communication facilities, including towers, shall expire two years from the effective date of the Director's decision and are not eligible for a one-year extension.
- ² Comment on land use permit proposal allowed from date of notice to hearing.
- ³ Must be recorded with the Pierce County Auditor within five years.
- ⁴ Special use permits for wireless communication facilities, including towers, are limited to two years from the effective date of the Director's decision.
- ⁵ If a public meeting is held, the public comment period shall be extended 7 days beyond and including the date of the public meeting.
- ⁶ Refer to Section 13.05.070 for preliminary plat expiration dates.
- ⁷ Public Notification of Minor Variances may be sent at the discretion of the Director. There is no notice of application for Minor Variances.

* * *

EXHIBIT "B"

Chapter 13.06

ZONING

Note: These amendments show proposed changes to existing (interim) Land Use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that has been deleted is shown as ~~strikethrough~~.

13.06.100 Residential Districts.

* * *

5. District use table. (see next page for table)

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ¹
* * *									
Communication facility	CU	CU	CU	CU	CU	CU	CU	CU	Antennas for such facilities are subject to the additional requirements contained in Section 13.06.545.
Confidential Shelter	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.535.
Continuing care retirement community	N	N	N	N	P	P	P	P	Subject to additional requirements contained in Section 13.06.535.
Correctional facility; public or private	N	N	N	N	N	N	N	N	Side yards shall be provided as specified in Section 13.06.602.
* * *									

13.06.200 Commercial Districts.

5. District use table.

Uses	T	C-1	C-2 ¹	PDB	Additional Regulations ^{2,3} (also see footnotes at bottom of table)

Communication facility	N	N	P	P	
Confidential shelter	P	P	P	P	See Section 13.06.535. Limit: 15 residents in T District.
Continuing care retirement community	P	P	P	P	See Section 13.06.535.
Correctional facility; public or private	N	N	N	N	

13.06.300 Mixed-Use Center Districts.

3. District use table.

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3,4,5} (also see footnotes at bottom of table)

Communication facility	CU	CU	P	N	P	N	N	N	Prohibited at street level along frontage of designated pedestrian streets in NCX and CCX Districts. ²
Confidential shelter	P	P	P	P	P	P	P	P	See Section 13.06.535. Prohibited at street level along frontage of designated core pedestrian streets in NCX. ² Not subject to minimum densities founding Section 13.06.300.E.
Continuing care retirement community	P	P	P	P	P	P	P	P	See Section 13.06.535. Prohibited at street level along frontage of designated core pedestrian streets in NCX. ²
Correctional facility; public or private	N	N	N	N	N	N	N	N	

13.06.400 Industrial Districts.

* * *

5. District use table.

Uses	M-1	M-2	PMI	Additional Regulations ¹
* * *				
Communication facility	P	P	P	
Confidential shelter	P/N*	N	N	See Section 13.06.535. *Not permitted within the South Tacoma M/IC Overlay District.
Continuing care retirement community	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. See Section 13.06.535.
Correctional facility; public	N	CU	CU	Correctional facility, private is not allowed in M-1, M-2 and PMI <u>Modifications or expansions to existing facilities that increase the inmate capacity shall be processed as a major modification (see Section 13.05.080).</u> <u>A pre-application community meeting is also required (see Section 13.06.640.Q).</u>
* * *				

13.06.640 Conditional use permit.

* * *

Q. An application for a conditional use permit for correctional facilities shall be processed in accordance with the provisions of Chapter 13.05, except with the following additional requirement:

Pre-application community meeting. Prior to submitting an application to the City for a conditional use permit for a correctional facility, it is required that the applicant hold a public informational meeting with community members. The purpose of the meeting is to provide an early, open dialogue between the applicant and the neighborhood surrounding the proposed development. The meeting should acquaint the neighbors of the proposed development with the applicant and/or developers and provide for an exchange of information about the proposal and the community, including the characteristics of the proposed development and of the surrounding area and any particular issues or concerns of which the applicant should be made aware. The applicant shall provide written notification of the meeting, at least 30 calendar days prior to the meeting date, to the appropriate neighborhood council pursuant to TMC 1.45 and neighborhood business district pursuant to TMC 1.47, qualified neighborhood and community organizations, and to the owners of property located within 1,000 feet of the project site.

* * *

13.06.700 Definitions and illustrations.

For the purposes of this chapter, certain words and terms are defined as follows: words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory. For words that are not defined in this chapter, or that do not incorporate a definition by reference, refer to a Webster's Dictionary published within the last ten years.

* * *

13.06.700.C

* * *

Container, shipping/storage. A large, prefabricated box or container made of metal, wood, or similar material utilized for the shipping/storage and distribution of various products or commodities.

Continuing care retirement community. An age-restricted development that provides a continuum of accommodations and care, from independent living to long-term bed care. Due to the wide range of services provided, such facilities generally operate under multiple state-licensing programs.

Convalescent home. See "extended care facility."

Cornice. Projection at the top of a wall; a term applied to construction where the roof and side walls meet.

~~Correctional facility, private. A privately owned facility under contract with a government agency to provide incarceration or detention services for the incarceration or detention of persons under warrant, awaiting trial on felony or misdemeanor charges, convicted but not yet sentenced, or serving a sentence upon conviction. This definition includes prerelease facilities, but does not include work release centers or juvenile community facilities.~~

Correctional facility, ~~public~~. A publicly owned and operated facility or a privately owned facility operated under contract with a government agency for the incarceration or detention of persons under federal, state or local warrant, awaiting trial on federal, state or local felony or misdemeanor charges, convicted of federal, state or local charges, but not yet sentenced, or serving a federal, state or local sentence upon conviction. This definition includes prerelease facilities, but does not include work release centers or juvenile community facilities, ~~nor does it include privately owned, or privately operated facilities regardless of whether any such facility has a contract with any government agency.~~

* * *

CITY OF TACOMA

CITY COUNCIL

EXCERPT

CITY COUNCIL MEETING

APRIL 25, 2017

City Council Chambers

747 Market Street, First Floor

Tacoma, Washington 98402

Transcribed By:

Mary Jean Berkstresser, CCR #2671

Certified Court Reporter

of

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1 (BEGINNING OF EXCERPT: 0:31:32.2)

2 MAYOR STRICKLAND: Brian Boudet, you're up.
3 Item number 13, Clerk, please read.

4 CLERK: This is the date set for a public
5 hearing on the interim zoning regulations pertaining to
6 the definition and siting of public correctional
7 facilities, establishing a work plan for review and
8 development of permanent regulations.

9 MAYOR STRICKLAND: All right, before Brian
10 does his presentation, I just want to talk about what
11 this hearing is and what this hearing isn't, and also
12 give Council Members an opportunity to speak on the
13 topic because some folks have actually visited the
14 detention center.

15 The purpose of this public hearing is for the
16 public to provide comment on the interim zoning land
17 use regulations. This is not time to discuss the
18 Northwest Detention Center's business license,
19 conditions of the detention center, or the federal
20 government's immigration policy. We are happy to
21 receive those written comments during those topics to
22 the City Clerk's Office, and you can come during
23 Citizens' Forum to talk about those.

24 Now, I also want to go on record to talk
25 about some of the activities that have taken place.

1 Council Member Campbell introduced something to talk
2 about interim zoning regulations. I sent a letter to
3 the CEO of GEO Group asking about practices there,
4 including due process, how people are being treated,
5 both employees and detainees, and asked them to provide
6 a certificate to say that they're complying and do what
7 they're supposed to do, according to city, state and
8 federal law.

9 Now, I've had a lot of conversations in
10 public about this very topic, even when I was there to
11 talk about something else, but I want to make sure that
12 you all understand where we're coming from, and
13 everyone on this Council may have different opinions
14 about this.

15 The issue of immigration we know has taken a
16 -- has received the spotlight lately because of this
17 administration and some of the acts and executive
18 orders that have come out, so immigration is a very,
19 very big topic in this city.

20 But historically, City Council Resolution
21 Number 34722 was adopted on March 28 in the year 2000.
22 That particular City Council gave the approval to put a
23 detention center in our city, period.

24 Now, it doesn't mean that this Council or
25 previous Councils before us said this is a good idea,

1 but the facility is here right now, and our
2 responsibility is to make sure that the people who work
3 there, and especially the people who are detained
4 there, are treated humanely, are treated with respect
5 and dignity, and are doing -- and the people who work
6 there are doing everything they can to make sure people
7 are treated the right way.

8 Now, we can talk about the detention center,
9 and we can say shut it down, don't expand, and we can
10 do all those things and say what we want, but the
11 structural problem in all of this is bad federal
12 policy. There is a 30,000-bed minimum every night of
13 detainees. And let's say hypothetically that we got to
14 a point where we shut this detention center down, it
15 doesn't change the federal policy of arresting people.
16 So if they don't end up here in Tacoma, they might end
17 up in California or Texas or another city.

18 So I want to make sure that as we look at
19 this very complicated issue, that we do it with eyes
20 wide open and we look at the totality of it.

21 When I was at a forum a few weeks ago, I had
22 two people approach me, and they said to me if you
23 close this detention center down, how am I going to see
24 my loved ones? How am I going to see my husband? So
25 this is far more complicated than I originally thought

1 when I first looked at this issue.

2 A few years ago I did actually tour the
3 detention center with a lot of elected officials,
4 including Senator Darneille, who was there with us at
5 the time, and we took a look because we had heard a lot
6 of what was going on down there and wanted to see for
7 ourselves.

8 The detention center was not what I expected,
9 but I'll just leave it at that right now. There were a
10 lot of services that went on there that I didn't know
11 took place. I did not necessarily want to see the
12 people who were in solitary confinement because I don't
13 think that's respectful, but I say this to folks who
14 are elected officials, especially on our Planning
15 Commission, if you want to tour the facility, take the
16 time to go on down there and see what goes on there.
17 There's a lot of conversation about this. There's a
18 lot of political theater around this. But we have a
19 responsibility to make sure that if people are going to
20 be detained that they are done in a way that is humane,
21 that they're getting the food that's nutritious, and
22 that they're being treated with respect and dignity.

23 I'm not advocating for this. If this City
24 Council had a decision about putting a detention center
25 in our tide flats, we probably would have said no. But

1 in the year 2000 a City Council said it was okay, so
2 we're here now. So the conversation for me is how do
3 we make the best of this within the parameters of the
4 law, and if we said we wanted to close it down, what
5 would that mean?

6 And again, what would it mean for the people
7 who have loved ones there who are local and their
8 ability to get access to the people that they love and
9 they want to see?

10 So I'll just leave it at that right now, and
11 I'll let Council Member Walker Lee weigh in on this
12 because she visited too.

13 COUNCIL MEMBER WALKER LEE: And if I could
14 just start with a question to the City Manager. Do we
15 have the ability to revoke their license?

16 INTERIM CITY MANAGER PAULI: So we actually
17 -- under our Tax and License Code, we have the ability
18 regarding any business in the city of Tacoma. That's
19 not what we're talking about tonight, and there's been
20 no trigger to involve us in a revocation proceeding
21 with the GEO Group in any way, shape or form. So that
22 simply is not at issue.

23 MAYOR STRICKLAND: And Council Member Walker
24 Lee?

25 COUNCIL MEMBER WALKER LEE: And I -- in

1 response to the concerns -- and most of you know of me
2 as an immigrant rights advocate. I run a civil rights
3 agency, and we take a lot of national origin complaints
4 regarding housing, and Council Member Mello and I were
5 the brave ones who decided to work to boycott Arizona
6 when the immigration policy came out several years ago.
7 We've worked on other immigration issues in the city.
8 So I just want to let you know that in preface to my
9 comments about my tour today that I am definitely an
10 immigrant rights advocate.

11 So I've been hearing a lot about the
12 detention center, not only from you, but as a citizen,
13 as someone who runs the civil rights agency, and my
14 church is very involved with the detention center. So
15 I asked to take a tour. It just happened to be today
16 on the day of the hearing. And so I've been getting a
17 lot of emails about the hunger strike and just other
18 complaints about the detention center.

19 It was an excellent tour. If you get the
20 opportunity, I'd suggest that you take it because it
21 was illuminating in many ways.

22 I was able to examine the food about the food
23 complaints. They actually have to -- I'm not sure
24 exactly about why they have to do this, but they have
25 to put whatever they serve in the refrigerator for 72

1 hours to be able to show what food they served, and
2 there were about five or six options for breakfast of
3 different kinds of -- whether it was vegetarian or
4 different kinds of diet. I looked at five or six
5 options for dinner. You have to remember, this is
6 institutional food, so it was definitely not something
7 that I would like, but I've also been touring long-term
8 care facilities for my 88-year-old father, and there
9 were similarities to some of that institutional food.

10 In terms of available exercise equipment or
11 ability to go out and recreate, each of the cellblocks
12 that I went into where there were group open areas,
13 where there were bunkbeds or people had the option of
14 having private rooms, there was exercise equipment.

15 The most moving part to me was going into one
16 of the women's areas where they were -- one group of
17 women was having a Bible study, and I had a
18 conversation with them. And then there was another
19 group of women that were talking and eating snacks that
20 they'd purchased from the commissary. The exercise
21 equipment was there, and they all have the ability to
22 go outside in these particular areas.

23 I was able to go out to the recreation areas
24 where it's kind of a mini soccer field with exercise
25 equipment and other things. Not my idea of an

1 institutional setting of where I would like to be, but
2 they do have those areas.

3 I saw the Health Center. There were a lot of
4 people in the Health Center. We talked a lot about
5 hygiene. The people that come in, things are supplied
6 to them. They don't have to purchase basic hygiene
7 things. There's both health and mental health
8 services.

9 In terms of the employment issue, which the
10 emails talk about the \$1 a day, that is federal policy,
11 that is not something that the detention center sets
12 that policy. And what I was told is that in regular
13 correctional facilities, they don't pay the inmates
14 anything. At the detention center, they do pay them \$1
15 a day. Ridiculous, but they -- I saw people working
16 that were the detainees in the kitchen, in the laundry
17 and other areas, and it seems like a warm environment,
18 as warm as it could be.

19 The other -- the other things that I found is
20 there were murals everywhere where they have asked the
21 detainees to paint murals, beautiful murals throughout
22 the whole facility. There are -- there were craft
23 activities that were taking place in with the women.
24 There were a lot of pleasantries in this institutional
25 setting.

1 So what this left me with is that it's a
2 detention center, and we have a ridiculous federal
3 policy that is incarcerating these people, but it's not
4 necessarily the detention center that is the major
5 problem. It is here, but what I saw in there was
6 acceptable in that institutional setting, but that we
7 have many things that we need to work on aside from the
8 detention facility. My church is involved in picking
9 up people when they're released from the detention
10 center and taking them to their homes and putting them
11 on planes or buses to their next destination. They've
12 also helped the family members of the detainees. There
13 are -- we need more money for legal services because in
14 the courtrooms within the facility they are -- there
15 were people that didn't have representation in their
16 court proceedings, and I would say why isn't that
17 person -- why isn't there a lawyer with that particular
18 person, and they -- it's complicated.

19 There's -- so there's many things that need
20 to be done that we can work at as citizens, as elected
21 officials, but I just wanted to report on that actual
22 tour and my desire to fight more on federal policy.
23 The City Council, seven of us, were in Washington,
24 D.C., talking to members of congress about immigration
25 policy. We all need to be very involved at that

1 federal level to change things.

2 Thank you, Mayor.

3 MAYOR STRICKLAND: Thank you, Council Member
4 Walker Lee. I'm going to let Mr. Boudet go ahead with
5 his presentation, and then we'll start to take public
6 comment. Thank you.

7 COUNCIL MEMBER CAMPBELL: Mayor?

8 MAYOR STRICKLAND: Yes, I'm sorry, Council
9 Member Campbell. I didn't see you buzz in.

10 COUNCIL MEMBER CAMPBELL: Thank you, Mayor.
11 Just -- just I'll make a few brief comments and thank
12 the planning staff for your work on this and to the
13 Planning Commission for wrestling with this since we
14 brought forward the interim regulations that
15 immediately triggered that it went to the Planning
16 Commission for them to look at and say is this the
17 direction we want to go and then brings us to this
18 public hearing tonight.

19 So what we're talking about are correctional
20 facilities across Tacoma, public and private, and my
21 understanding is that that falls under what's called an
22 essential public facility, so we're limited as a city
23 because of the term essential public facility. But I
24 want to be clear -- and I said this at the study
25 session -- just because it's essential doesn't mean we

1 ignore the public part. Tonight is part of that public
2 part. We need to be publicly engaged when we talk
3 about facilities within our community, about where
4 they're at, how they interact, what they are as part of
5 our fabric.

6 So I thank everyone for coming out and being
7 part of that public -- what this has shown is that this
8 really jump-started a conversation. Some people said
9 why now? There was no permit to expand. And the
10 problem is we always try to discuss this after a
11 permit's been filed, and then they're digging in trying
12 to justify why I have a permit or why I don't have a
13 permit and all this. Right now we can talk about it
14 without there being something that people are fighting
15 for, but rather looking at how does this fit into the
16 city of Tacoma.

17 And so, again, I thank everyone for coming
18 out and being part of that conversation around what we
19 have with essential public facilities in our community.
20 Thank you.

21 MAYOR STRICKLAND: Thank you. And when we
22 often talk about public policy, we can take two roads
23 as elected officials. We can do a lot of things that
24 make us feel good about ourselves that do nothing to
25 help the people that we want to help, or we can try to

1 focus on policies that will actually effect meaningful
2 change.

3 And the meaningful change realistically is
4 who's controlling Washington, D.C., right now because
5 there are three inherent problems that this government
6 -- and this didn't just happen with this
7 administration. This has been going on for a while.
8 They think that contracting with for-profit prison
9 corporations was a good idea.

10 Now, the Obama administration did make an
11 attempt at some point to not do that, but instead of
12 going in the direction that we hoped it was going, it
13 went backwards.

14 The other public policy issue is that there
15 is a bed minimum of 30,000 detainees per night. That's
16 bad federal public policy.

17 And then finally, there are too many people
18 being detained who should not be detained in the first
19 place. We are detaining people who have not committed
20 crimes, who haven't done anything violent or hurt
21 anyone, and that often makes up a majority of the
22 people who are being detained right now. But I will
23 repeat, those are bad federal policies. So again, we
24 can do what we can locally, and sometimes we think we
25 can do things that are nothing more than political

1 grandstanding, but these structural problems are at the
2 federal level. Does it mean we absolve ourselves of
3 responsibility? No. But I don't think that we as a
4 Council would have voted yes to put a detention center
5 here.

6 But the reality is federal policy that exists
7 today means that these folks are going to get arrested,
8 and they're going to go somewhere. So what we can try
9 to do is to make sure that the people who are detained
10 in Tacoma are treated humanely as possible in this
11 center and that when they're released that we have
12 community support for them and wraparound services to
13 help them if they need help with language, with
14 participating, with health care, and all the different
15 things that we think we can do as a society to make
16 sure that their transition out of the facility is one
17 that helps them prosper and thrive.

18 The other thing we also need to talk about,
19 as well, is the amount of time that people spend
20 languishing in these detention centers. For some of
21 the most minor infractions, they spend way too much
22 time in there because we don't have a judicial system
23 that allows them to get through this quickly.

24 So a very complex issue. We take it very
25 seriously, and we look forward to your remarks after

1 Brian's presentation. Thank you.

2 Sorry, that was a lot of bloviating, I know.

3 MR. BOUDET: That's great. Thank you, Mayor,
4 Deputy Mayor, Council Members. Brian Boudet with the
5 City's Planning and Development Services Department.

6 Recognizing the time and the extensive
7 introduction that at some level the Mayor and other
8 Council Members just gave, as well as obviously the
9 Study Session discussion that we had this afternoon,
10 and recognizing that obviously the point of having the
11 public hearing is to hear from the community, I just
12 want to take one quick minute, I guess, to orient and
13 run through this presentation about the specific zoning
14 issue that is sort of technically before the City
15 Council as we hold this public hearing.

16 Just quickly looking back to how we got here,
17 this really was initiated by Council action in early
18 March when they adopted Ordinance 28417, which put in
19 place emergency interim regulations that specifically
20 affected correctional facilities.

21 Go on to the next slide. Since that time,
22 the Planning Commission has been taking a look at this
23 issue, as we discussed at the study session this
24 afternoon. They have wrestled quite significantly with
25 this, hours and hours of conversation reflecting not

1 only their differences of opinion, as well as the
2 difficulties of this issue, both locally and broadly, I
3 think, which the Mayor and others have certainly
4 alluded to.

5 In addition to that, the City Attorney's
6 Office did issue a memorandum this last week expressing
7 some concerns about correctional facilities, the
8 interim regulations and how those relate to State law
9 regarding essential public facilities. Ultimately, the
10 Planning Commission wasn't able to come up with a
11 consensus recommendation back to the City Council, but
12 nonetheless, they did forward along effectively their
13 work to date, so it expresses some of their concerns,
14 some of their opinions, some of their findings, some of
15 their thoughts, with respect to this issue.

16 And that obviously brings us to tonight's
17 public hearing. Just quickly, the interim regulations,
18 what they technically do, four real things. One was
19 distinguishing between private and public correctional
20 facilities. It prohibits private correctional
21 facilities throughout the city. It prohibits public
22 correctional facilities in multi-family zones and light
23 industrial zones. And then requires a conditional use
24 permit for public correctional facilities in heavy
25 industrial zones.

1 It's interim regulations for a period of six
2 months. Obviously, the idea of interim zoning
3 regulations is effectively to put in place something on
4 a temporary basis, while the City Planning Commission,
5 Council and community all consider what a permanent
6 regulatory solution should be.

7 With respect to the impact, obviously the
8 Northwest Detention Center is at some level at the
9 heart of much of these discussions. The Commission did
10 outline the impact on all three of the correctional
11 facilities in the city of Tacoma, but in particular,
12 the interim regulations do make the Northwest Detention
13 Center, which is located down on the tide flats, a
14 non-conforming use, which means that it is severely
15 restricted in its ability to expand.

16 With respect to staff's review and
17 recommendations, we talked in some detail at the study
18 session today. What staff has put forward for
19 Council's consideration, and this would effectively be
20 as a follow-up to the public hearing process, is
21 potential modifications to those interim regulations
22 that would essentially treat private and public
23 correctional facilities in the same manner and then
24 have a slight modification in the conditional use
25 permits to ensure that where expansions were considered

1 that significant modifications or any modification that
2 increased the number of detainees would require that
3 level of community engagement and local discretionary
4 review.

5 The Commission's recommendations, as I said,
6 were forwarded along -- while not specific
7 recommendations, it essentially was our reflection of
8 their work and consideration.

9 One of the things I guess I just highlight
10 as a significant observation is this idea of the
11 potential of multiple phases of conversation that
12 ultimately need to occur when it comes to the local
13 zoning regulations. There is an immediate action that
14 is before the City Council now as it reviews the
15 emergency interim regulations, as well as the
16 consideration of over a six-month time period a
17 permanent solution addressing correctional facilities,
18 and even as we have heard in the community through this
19 and numerous other discussions, a broader conversation
20 that's really desired about the tide flats area, what
21 sort of uses are and are not appropriate in that area
22 long-term for the city.

23 So just a quick reminder. What the Code
24 effectively requires is this public hearing to be held
25 to get community input on whether or not the interim

1 regulations that were put in place under an emergency
2 scenario are appropriate and effectively should be
3 retained, rescinded or modified. Obviously, if the
4 Council decides to modify, the next question would be
5 how they would be modified, and then clearly if they
6 are retained or modified, the question about work
7 program and timeline as we move forward.

8 So with that I'll finish and obviously turn
9 it over to public comment, recognizing that there is
10 the intent for follow-up conversations with Council
11 based on that retention, removal or modification of the
12 interim regulations themselves.

13 MAYOR STRICKLAND: Thank you, Mr. Boudet.
14 And thank you for your presentation. We use a lot of
15 words in the planning universe that don't necessarily
16 translate, so I'm going to ask Council Member Campbell,
17 who's the sponsor of the ordinance, what was your
18 intent when you brought this forward?

19 COUNCIL MEMBER CAMPBELL: So I think I spoke
20 a little bit to my original intent in bringing this
21 forward was to make sure we could have the discussion
22 before it became something that was a decision -- as I
23 said earlier, a decision before us. So we didn't have
24 someone already filing for a permit and we weren't sure
25 if we wanted that permit and that we could really look

1 at the bigger picture of what's going to be the future
2 of correctional facilities within our community, how
3 are we going to really wrap our heads around it because
4 it's a big issue. It isn't something you can really
5 look at in one day and say, oh, I understand this.

6 And so being able to have the discussion,
7 have our experts on the Planning Commission take a look
8 at it, having our staff take a look at it, and really
9 look at with the City of Tacoma what it is that we want
10 both from a government perspective, but then from the
11 citizens, to hear from them about what the public --
12 publicly what they would like to see as far as
13 development in our city.

14 I think that it was discussed at the study
15 session today that it seems that the Port of Tacoma is
16 an odd place to have a place like this because we've
17 pushed back against building condominiums down there
18 because we've said it's not a place for residents, and
19 then we have a facility like this.

20 And so let's make sure that we're coherent in
21 where we're at, but make sure that we're really working
22 within and respecting our processes at the City of
23 Tacoma.

24 (Applause.)

25 MAYOR STRICKLAND: Thank you. All right, so

1 at this time we will take public comment. I will call
2 you up three at a time. And again, you'll have three
3 minutes to make your remarks, and as always, you're not
4 required to use all three minutes to make your point.

5 We'll start with Kevin Jones, followed by
6 Philip Miller and Melissa Taylor.

7 And I'm going to ask us to do something. One
8 of the things that we think is really important is the
9 ability to publicly speak and to do so in an
10 environment that's not rude or disrespectful. So
11 sometimes --

12 (Applause.)

13 MAYOR STRICKLAND: -- we say things to each
14 other that we may not agree with, but we're allowed to
15 voice our opinion, and if we want to have true public
16 discourse, we have to make it safe for people with all
17 perspectives to want to come forward and voice their
18 opinions.

19 So I'm just going to ask us for civility, and
20 if we're not able to adhere to that rule, I am going to
21 start using my gavel.

22 Mr. Jones, you're up, followed by Melissa
23 Taylor and Sue Hodes -- I'm sorry, Philip Miller and
24 then Melissa Taylor.

25 So, Kevin, you're up.

1 MR. JONES: Would you like us here or sitting

2 --

3 MAYOR STRICKLAND: This is the microphone --

4 MR. JONES: Very good, thank you.

5 MAYOR STRICKLAND: -- and that's your stage.

6 And you'll go -- if you want to go one at a time, you

7 can. As a team, you can. But you'll get three

8 minutes.

9 MR. JONES: Okay, Mayor Strickland, Deputy
10 Mayor Thoms, and City Council, I appreciate the
11 opportunity to comment on the item on the agenda
12 tonight. I'm a visitor to Tacoma from just across the
13 sea in Vashon Island so --

14 MAYOR STRICKLAND: Welcome.

15 MR. JONES: -- I'm glad to be here, and I had
16 a wonderful evening in the city tonight, enjoyed
17 dinner, and it's a pleasure to come and comment on the
18 future of the detention center from a land use
19 perspective.

20 So I was -- first of all I've been a
21 Northwest -- I'm a Northwest native, I've been here all
22 my life, and was a bit disturbed to hear that there was
23 a detention center in Tacoma. I was further disturbed
24 to hear of possible regulations that may allow its
25 expansion and perhaps for its long-term presence here

1 in the city of Tacoma. My one concern -- you did
2 mention the federal regulations, and there's clearly --
3 it seems at least there's a clear change there, which
4 might imply that there's going to be more business for
5 facilities like the detention center. But we also know
6 that the administration may be on the wrong side of the
7 law when it comes to some of the policies that they're
8 moving forward.

9 The immigration ban, also known as the Muslim
10 Ban, is obviously held up in the courts. I've heard
11 just recently now that there is -- a dreamer has been
12 deported. Hopefully they can correct that and get that
13 person back in the country as they legally belong here
14 based on our laws today.

15 But the administration may very well be on
16 the wrong side of the law when it comes to ramping up
17 the need for facilities like this.

18 I was going to say that rather we should
19 close this facility, but I understand the point that
20 you made, that it does exist, there's a need for, you
21 know, managing the immigration population that we have.
22 I fully appreciate that.

23 I do think that looking at the facility,
24 making sure that it is respectful to the people who are
25 there, is certainly a very important thing to do, and I

1 hope that that's done with clear and transparent visits
2 by not only yourself, but others.

3 One of the things that I am concerned about
4 though is that this facility is part of a system.
5 We're all part of the system. And we can recognize
6 that it's a system based on laws that is just there or
7 we can recognize this is a system that is maybe unfair
8 and that should not be enabled, and so certainly the
9 notion of expanding or continuing to have facilities
10 that do this job in the environment of an
11 administration that has questionable policies seems to
12 me that we should not enable that.

13 So in summary, I would oppose opportunities
14 to expand, mainly because I do think the current
15 administration's overstepping its bounds. We don't
16 want to enable that. I think that I'm concerned about
17 the conditions I've heard about, and I would say this
18 is definitely not Tacoma's destiny of where the city
19 should be going. Thank you.

20 MAYOR STRICKLAND: Thank you, Mr. Jones.

21 Okay, Philip Miller, followed by Melissa
22 Taylor and Sue Hodes.

23 MR. MILLER: Good evening, Mayor Strickland,
24 Deputy Mayor Thoms, City Council Members. My name is
25 Philip Miller. I'm the Deputy Executive Associate

1 Director for ICE's Enforcement and Removal Operations.
2 In this capacity, I'm the Chief Operating Officer for
3 this part of the United States government and its
4 enforcement of immigration law.

5 Ordinance 28417 suggests to me, as a career
6 immigration officer who has served under four
7 presidents, the City of Tacoma wants to enter into a
8 dialogue to better understand immigration enforcement
9 processes, responsibilities and personnel. Many of
10 your comments today, Mayor, further support my
11 understanding of the resolution.

12 While I certainly respect the City of
13 Tacoma's role in our federated system, I'd like to
14 point out some of our responsibilities, as well,
15 because I think we have two important things. There's
16 processes and there's also impact of this ordinance.

17 Northwest Detention Center is a civil
18 immigration detention center, which has been
19 continuously operated in Tacoma by the GEO Group
20 pursuant to a contract that dates back to 2004.

21 Northwest Detention Center is an integrated,
22 modern detention system that provides for the needs of
23 the detainees while ensuring safe and secure detention.

24 Northwest Detention Center includes detainee
25 housing, medical/dental facilities, a large kitchen, a

1 law library and attorney-client visitation rooms.

2 Although ICE has no plans at this time to
3 expand the Northwest Detention Center, if ICE were to
4 pursue expansion in the future, it would not be a
5 matter of enhancing or growing the capacity, but rather
6 we would like to look at -- if rezoning permitted --
7 the ability to modernize the infrastructure, pursue
8 enhancements to meet the needs of the detained
9 population, specifically to accommodate additional
10 courtrooms, immigration judges, medical facilities,
11 recreation opportunities and administrative offices.

12 Clearly, the City of Tacoma is concerned
13 about due process rights of the detainees at that
14 facility. In the immigration court system we call the
15 detainees respondents, as opposed to defendants. It's
16 a distinction for our immigration court system.

17 U.S. Immigration Law affords detained aliens
18 or respondents substantial legal process, to include
19 multiple avenues of relief, appeal and right to counsel
20 at no expense to the government, the right to an
21 interpreter in removal proceedings before an
22 immigration judge, an opportunity to appeal removal
23 orders to federal court, federal circuit court, if
24 needed. Essentially, there are due processes.

25 There's also going to be impact were this

1 facility to stop operating. You point out well that
2 the federal law, as it stands today, as enacted by
3 congress in 1996, requires certain people be detained
4 in a mandatory setting. Were this facility to stop
5 operating in the Pacific Northwest, more likely than
6 not the detained population would go to Texas. That's
7 where we currently have capacity.

8 It is our policy to keep our detainees close
9 to their families, close to their support system. Were
10 this facility to close, that would not be possible in
11 the Pacific Northwest.

12 Finally, our officers live in the communities
13 that they serve. We have over 100 ICE employees that
14 work at that facility that live in the greater Pierce
15 County area. Were the facility to close, they would be
16 forced to be relocated to other facilities in the
17 United States. Thank you.

18 MAYOR STRICKLAND: Thank you. All right,
19 Melissa Taylor, followed by Sue Hodes and Wendy
20 Pantoja.

21 MS. TAYLOR: Hello, Melissa Taylor speaking
22 on -- I have the honor and privilege to read the words
23 of a neighbor who cannot be here due to their inhumane
24 detention in the for-profit center run by the GEO
25 Group.

1 On the commissary, "Our family's put money in
2 our accounts, and they charge them \$7 to put money in
3 our accounts. After this, they charge us triple to buy
4 from the commissary. Here the company that has the
5 contract with GEO is taxing our money that's already
6 been taxed multiple times. Our families work hard to
7 earn money, and most of them are here legally and
8 follow the rules of the United States and the laws of
9 this country. And those that are here illegally pay
10 taxes, but can't receive anything in return."

11 In the next-to-last paragraph, "GEO and ICE
12 are always tossing the ball back and forth. If we have
13 a complaint with GEO, they tell us to talk to ICE. And
14 if it's with ICE, they tell us to talk to GEO. They
15 say that this place is competent, but they can't even
16 control the detainee who is making their life
17 impossible. They don't say anything to him, they just
18 call him outspoken."

19 About the visits, "Once more, they say that
20 they don't want to separate families of detainees. The
21 visits are one-hour long from across a piece of glass,
22 and those that are from out of state can't see their
23 families because video visits are only available in
24 Pods F-1 and F-2. Where is the right to equal
25 treatment? We asked them to put a video unit in our

1 pod, but they say that it won't benefit them because
2 not everyone will use the video visit.

3 The food has gotten worse, smaller portions
4 but the same food. So how can this be competent
5 detention?

6 Everything I say here is the truth."

7 So back to my own words. In these strange
8 times we each have a role to play and will need to make
9 decisions that may echo down history. I am glad to
10 hear that some of you have visited the center. I urge
11 the rest of you to do so and to continue to do so until
12 we are collectively able to close it down. These are
13 our neighbors. Please use your office to ensure that
14 the GEO Group fully respects their humanity. Go hard
15 to the hoop. Be bold. Be aggressive. Do a full
16 environmental assessment. Appoint someone to be a
17 full-time monitor there. Anything less is on all of
18 our hands. Thank you very much.

19 (Applause.)

20 MAYOR STRICKLAND: All right, Sue Hodes,
21 followed by Wendy Pantoja and David Long.

22 MS. HOADS: Thank you Mayor, Deputy Mayor,
23 Council Members, for having an opportunity to speak.
24 And from sitting here and listening, everything I've
25 prepared is -- well, you all know about immigration and

1 the need of it. And from what I'm hearing -- with all
2 due respect, Councilman Walker Lee, that the Detention
3 Center is just fine. Now here I'm coming in. I've
4 heard from families, family members, people who are
5 going on a hunger strike. Now, you don't go on a
6 hunger strike to falsely declare something. That's
7 pain to do that.

8 Plus, from what I've heard from members,
9 people who go on hunger strike are then put into
10 solitary confinement.

11 And I myself have been an activist for many
12 years. My mother was an immigrant. She came from
13 Paris. She survived five years in Nazi occupation and
14 came to the U.S. And from my upbringing, I feel like I
15 need to go to what's right, and I want to be what's
16 realistic.

17 So what are we saying here? On one hand, you
18 were shown a tour where there's recreation and all this
19 stuff, and there's families saying their loved ones get
20 one hour outside, period. They're saying their loved
21 ones don't get protein, and that's why they have to pay
22 in the commissary.

23 So what would I do if I was a Council Member?
24 I need to dig deeper. I certainly as a citizen -- and
25 even though I don't live in Tacoma, I live in Seattle,

1 this detention center affects families from all over
2 the state really. It's the Northwest Detention Center.

3 And I believe treating private prisons
4 differently than public prisons -- that's key. There
5 shouldn't be private prisons. We know private is
6 corporation. You have to have your bottom line, you
7 know.

8 So GEO -- I mean, the Obama administration
9 they were thinking of dropping the contracts with GEO.
10 Why are we trusting GEO in their presentation to you?
11 So I would just urge you please dig deeper, listen to
12 the families, because these are not people just making
13 up stories, I believe.

14 And please don't allow the expansion. Don't
15 give the permit. And treat -- how could it be -- I
16 don't know, I was asking myself, how do you make a
17 private prison into a public one again? Because
18 although I'm not supportive of all kinds of prisons, I
19 do believe schools, prisons, police, army, that are all
20 governmental based and social based do a better job and
21 are more economical than awarding private contracts
22 because their goal has to be different. Thank you very
23 much.

24 (Applause.)

25 MAYOR STRICKLAND: All right, Wendy Pantoja,

1 followed by David Long and Fredi Dubon.

2 MS. PANTOJA: Well, good evening, and thank
3 for letting me share. I will be reading a letter of my
4 organization to Mayor Marilyn Strickland, City of
5 Tacoma.

6 "Dear Mayor Strickland and Esteemed Tacoma
7 City Council Members: We write to you as groups that
8 work in solidarity with people held in the Northwest
9 Detention Center, their families, and those at risk of
10 immigration detention. The recent hunger strikes by
11 people detained at the residential center have brought
12 renewed attention to the deplorable conditions at the
13 GEO-owned family."

14 MAYOR STRICKLAND: Wendy, will you slow down
15 a little bit.

16 MS. PENTTOJA: Yeah. "By putting their health
17 on the line to highlight human right's abuses, the
18 hunger strikes have created the imperative for those of
19 us on the outside to respond to their urgent demands.
20 Tacoma's political leadership has already started down
21 this route. We applaud recent efforts by those on City
22 Council, such as the February 24, 2017, letter by
23 Councilman Ryan Mello to ICE and the Department of
24 Homeland Security in support of DACA recipient Daniel
25 Ramirez and Mayor Strickland's letter to GEO Group the

1 same day expressing concern about the residential
2 center's violation of due process rights and danger to
3 public health, safety and/or welfare.

4 We now call on you to take the steps outlined
5 below and revoke GEO's license to operate the detention
6 center. Until the facility is shut down, the Tacoma
7 Municipal Code, TMC, should be amended to block its
8 expansion and to require monitoring and compliance with
9 public health and safety standards.

10 In a February 24, 2017, letter to GEO Group,
11 Mayor Strickland noted that the City Director of
12 Finance, Andy Cherullo, must revoke business licenses
13 that violate any local, state or federal law relating
14 to public health or safety pursuant to Tacoma Municipal
15 Code 68.10.10(6). While the letter expressed specific
16 concerns about due process relating to the detention of
17 a DACA recipient, the 2014 and 2017 hunger strikes have
18 raised grave questions about detention conditions in
19 terms of quality of food provided, basic hygiene
20 provisions for bathing and laundry for clothing,
21 quality of health care, and abysmal working conditions
22 for \$1 per day wage.

23 Given these persistent and ongoing issues, it
24 is urgent that the City of Tacoma revoke GEO's license
25 to operate a business that, by its very nature,

1 violates human health and safety. The detention center
2 affects not only the 1,575 people who can be held any
3 given day, but also their children, families and
4 neighbors who form the backbone of our communities.

5 We urge the City Council to make Emergency
6 Ordinance Number 2817 permanent."

7 So we have a letter signed by more than 24
8 organizations. In less than 24 hours, we -- we have
9 more like 600 signatures to revoke the detention
10 center.

11 (Applause.)

12 MAYOR STRICKLAND: All right, David Long,
13 followed by Fredi Dubon and Carolyn Hartt.

14 MR. LONG: Hello. Thank you. I appreciate
15 you hearing us out.

16 So as a citizen of Tacoma I want to give
17 voice to detainees, so I'm going to be reading two
18 testimonies. And the first one: "The GEO group claims
19 that they're -- that they comply with the needs of the
20 residents that are in non-penal custody and in care of
21 the immigration federal authorities. Our responses to
22 this is that if we are not -- if we are not in a
23 criminal process, why is the first thing that they do
24 when people set foot in the detention is to classify as
25 they do -- is to classify them as they do in a prison?

1 The people that are transferred from prison are put in
2 a highest level, that is number 3, and their uniforms
3 are red. These detainees can't work outside of the
4 unit or take part in other activities.

5 The level 2 and level 1 detainees can work in
6 the kitchen, the laundry and in general cleaning. And,
7 yes, this place is inspected each month, but when
8 there's an inspection, they grab a group to wax the
9 floors and paint the walls, a job that would cost them
10 a lot of money. The people who do the work are only
11 given Top Ramen soup and a bag of chips, a single Top
12 Ramen soup and a single bag of chips. The workers
13 labor for eight hours and get \$1 an hour for this.
14 This could be called modern day slavery.

15 In regards to medical, medical conditions, it
16 doesn't matter how serious a problem is, the only thing
17 they prescribe is that you drink a lot of water and
18 that you stretch, or they give you Naproxen pills for
19 everything. And when the doctor comes to the
20 appointment, his response to everything is that they
21 can't help you because there isn't enough money in the
22 budget and that they can't help you unless you're on
23 the verge of death. So if you have cancer and are
24 still five months away -- and are told that you have
25 five months to live, they don't help you because they

1 don't know if you're going to be here -- if you're
2 going to be leaving here.

3 They say that if they close this place,
4 they'd be separating families. They don't care about
5 separating families because every week they transfer
6 people into other states, such as Oregon and Louisiana.
7 They transfer people just to transfer them because they
8 have -- because they don't have enough space here.
9 They just transfer people around to collect money from
10 the taxpayers, more money from the taxpayers.

11 Here you have a population of 1,500
12 detainees, and they don't have enough staff to care for
13 all of them. There are some officers here that work up
14 to 12 hours a day, and they are falling asleep at their
15 desks.

16 Although the immigration officers are here,
17 the officers just do their walk-by every Wednesday just
18 to be able to say that they came by, but when we need
19 help, they don't help. They just tell us to write a
20 kite."

21 UNIDENTIFIED AUDIENCE MEMBER: Five minutes?

22 MAYOR STRICKLAND: Thank you.

23 MR. LONG: Can I --

24 UNIDENTIFIED AUDIENCE MEMBER: He should get
25 five minutes, right?

1 MR. LONG: Three.

2 MAYOR STRICKLAND: Thank you. So I'm going
3 to remind folks again that because there are so many
4 people who have signed up to please be respectful when
5 the buzzer goes off. If you have written remarks, you
6 can always submit them to the Clerk so we have the
7 entire comment on record.

8 MR. LONG: Okay. Well, I just want to say I
9 do have a traumatic brain injury --

10 MAYOR STRICKLAND: Okay.

11 MR. LONG: And I don't know if that would
12 permit me a little more time.

13 MAYOR STRICKLAND: No, I'm going to be
14 respectful of all the people who have signed up, but we
15 can take your comments in written form.

16 MR. LONG: Thank you.

17 MAYOR STRICKLAND: Thank you, sir.

18 Okay, Fredi Dubon, followed by Carolyn Hartt
19 and Ursula Mehl.

20 MR. DUBON: Hi, I am Fredi. I'm a member of
21 Casa Latina, an organization that helps Latino
22 immigrants like myself with employment opportunities.
23 From the war on drugs to the war on immigrants, the
24 private prison industry has made billions in profits by
25 exploiting communities of color. They do not see us as

1 human beings, but as dollar signs in a spreadsheet.

2 I have personally suffered the horrible
3 treatment from lack of food, medicine, visitation
4 rights, even paying \$3 a minute to call my loved ones.
5 I wish that no one else has to.

6 I know there's a lot more you can do, and I
7 understand there are things you won't be able to do,
8 but today I ask that by putting a permanent ban on any
9 expansions you send a message to the executives of the
10 GEO Group, CEA and others, that we will refuse to let
11 them use our state and tax dollars to dehumanize our
12 communities.

13 We want our tax dollars to feed the hungry,
14 house the homeless and help the poor, not to pay for
15 walls, wars or prisons. Thank you.

16 MAYOR STRICKLAND: Thank you.

17 (Applause.)

18 MAYOR STRICKLAND: All right, Carolyn Hartt,
19 followed by Ursula Mehl and Karla Rixon. Is Carolyn
20 Hartt here?

21 (No response)

22 MAYOR STRICKLAND: Okay, we'll come back to
23 her. Ursula Mehl, followed by Karla Rixon, followed by
24 Alexa Brockamp.

25 MS. MEHL: Hello, my name is Ursula. I'm a

1 bit nervous because this is actually the first time I
2 have ever done one of these things --

3 MAYOR STRICKLAND: You know, it's totally
4 chill in Tacoma, so go ahead.

5 MS. MEHL: So I actually live in Seattle, but
6 I have friends who live in Tacoma, and let's be honest,
7 with the way that Seattle rental prices are going,
8 there's a very good chance that my boyfriend and I, who
9 actually is from Mexico, may end up down here. And I
10 guess the other point that I want to make is that, as
11 you pointed out earlier, this is an ongoing issue. It
12 is not something that is going to be solved today or
13 tomorrow or next week or next year, so I appreciate you
14 looking at this from a bigger picture perspective.

15 And as other people have already stated,
16 probably more eloquently than I can, I don't think it's
17 a good idea -- well, regardless of my personal feelings
18 on the detention center, I would urge the Council to
19 not expand -- or not grant the zoning permit because,
20 Council Member Campbell, as you pointed out, I don't
21 understand why it's not safe to have housing for --
22 let's be honest -- white people down there, but it's
23 fine to cage brown people. It's not okay. Like my
24 skin color should not determine where I have -- where
25 I'm able to live, and other people's skin color should

1 not determine where they end up, but that is the
2 reality that we live in today, so I think that anything
3 that can be done to mitigate that can and should be
4 done.

5 And I would urge you to do everything that
6 you can to fight back against the federal government.
7 I know that, yes, there are -- you know, a lot of these
8 are federal issues and maybe you feel like as a city
9 there is a limited amount that you can do, but I would
10 urge you to take every avenue that you can to fight
11 back because this isn't going to be won by some of us.
12 It's going to be won by all of us standing up to the
13 racist procedures of this administration. Thank you.

14 MAYOR STRICKLAND: Thank you.

15 (Applause.)

16 MAYOR STRICKLAND: So I've heard a few times
17 the assertion that there is a permit that is being
18 applied for to expand the detention center, so can I
19 verify with the City Manager's Office -- is there --
20 has GEO Group submitted a permit to expand?

21 INTERIM CITY MANAGER PAULI: The GEO Group
22 has not submitted any permit to the City of Tacoma.

23 MAYOR STRICKLAND: Okay, I just wanted to
24 make sure that we were clear about that.

25 Okay, so are you Karla?

1 MS. RIXON: Yes.

2 MAYOR STRICKLAND: Hi, Karla. Okay --

3 MS. RIXON: Hi.

4 MAYOR STRICKLAND: -- Karla Rixon, followed
5 by Alexa Brockamp and Tyrone Maldonado.

6 MS. RIXON: Mayor Strickland and Tacoma City
7 Council, hello. My name is Karla Rixon, and I'm here
8 as a representative of Indivisible Tacoma, which is a
9 group with more than 1,000 people who came together
10 after the election because we're concern about the
11 Trump administration and their immigration policy,
12 among other things.

13 Although we're not experts, we're just
14 community members, we wanted to let the City Council
15 know that we are not afraid and we want you to not be
16 afraid either, either of the Trump administration or of
17 undocumented immigrants in our community who are our
18 neighbors.

19 We have some thoughts on the zoning
20 regulations before the Council. First, we're strongly
21 opposed to the existence of private prisons anywhere,
22 including here in Tacoma, and we strongly support any
23 attempt to ban them.

24 We also strongly support increased scrutiny
25 of public correctional facilities, including a strict

1 permitting process that includes a lot of community
2 input.

3 We think it's really important to get this
4 process right, and we want to thank the City Council
5 for taking the time to really go through all of the
6 steps and make sure that this will hold up in court if
7 necessary, but we also want to ask you to be prompt and
8 to make these zoning regulations permanent as soon as
9 possible.

10 Our last request is that we would like to --
11 even though this is a meeting about zoning regulations,
12 we would like to have a meeting about the conditions at
13 the detention center. We support the Northwest
14 Detention Center Resistance, and we want to ask the
15 City Council to listen to firsthand personal
16 experiences from the detention center when making any
17 decisions about it.

18 I've a letter for you, signed by some of our
19 members. Thank you.

20 MAYOR STRICKLAND: Thank you, Ms. Rixon.

21 Okay Alexa Brockamp, followed by Tyrone
22 Maldonado and Kyle --

23 (Applause.)

24 MS. BROCKAMP: Hello, Council Members. My
25 name is Alexa, as you've stated. I'm here also along

1 with some others from Indivisible Tacoma tonight. And
2 first of all, I want to thank you for the work that you
3 do. I know that I've always appreciated the thoughtful
4 responses that I've received from you when I've
5 contacted you in the past, and I also appreciate your
6 pragmatism in your choice of measures, maybe not showy
7 but effective and beneficial, and I appreciate that.

8 Many of us are here tonight as a community to
9 support the proposed resolution regarding private
10 correction facilities. Obviously, the presence of a
11 privately-owned for-profit correction facility is
12 concerning to many people in the community. It has a
13 huge impact on people's lives.

14 This action requiring conditional use permits
15 and the differentiation between private and public
16 correctional facilities is a great first step. The
17 differentiation between those might be a bit
18 contentious, I'm not sure, but it's important, and we
19 support it. They are different, and acknowledging that
20 is a step forward.

21 We understand that the Council has a limited
22 scope for what you can do regarding federally-guided
23 and privately-owned facilities. We're hoping that
24 you'll do whatever's in your power to promote policy
25 and regulations that these facilities will follow in

1 order to ensure that safety and comfort that so many
2 people have expressed concern about within the
3 facilities and within the land use and zoning
4 regulations and set an example for others to follow in
5 cities that are not yet taking these actions.

6 I hope that you'll continue to prioritize
7 this kind of action. As you can see, it matters to a
8 lot of us. This resolution and your attention and
9 tours of the facility are a step in the right
10 direction, and we support you in continued efforts and
11 encourage you to continue. Thank you.

12 MAYOR STRICKLAND: Thank you.

13 (Applause.)

14 MAYOR STRICKLAND: All right, Tyrone
15 Maldonado, followed by Keil Drescher and Tara Brown.

16 MR. MALDONADO: Thank you, Mayor Strickland
17 and Deputy Mayor Thoms and Council Members. Council
18 Member Walker, I really appreciate that you went today
19 to visit the facility, and your first-hand account of
20 what it's like there. That helps me to imagine in my
21 own mind what the conditions are like there. But I
22 would encourage you to keep in mind that whenever
23 there's an inspection, people are going to be on their
24 best behavior, and so perhaps you ran into some of that
25 as well.

1 I'm here because I'm concerned about my
2 fellow humans, and I care about them, and I really hope
3 that you who are representing us have that same care.
4 Perhaps last year I wouldn't be doing this. I'm really
5 into music, and I like concerts, but I'm here today to
6 speak on behalf of these people, and I really hope that
7 you will just ensure that they're getting the best care
8 that they possibly can and are entitled to. These are
9 humans who deserve proper treatment, and it just pains
10 me in my heart to think of the conditions that I hear
11 about, either these things that are being related to us
12 are made up or perhaps embellished, and I'm sure there
13 is some of that a little bit, but there is likely a lot
14 of truth at what is happening at the facility.

15 So please keep these people in mind and
16 please represent them in the best of your abilities
17 because that's what we certainly would do if we were in
18 your shoes. Thank you.

19 MAYOR STRICKLAND: Thank you, Mr. Maldonado.

20 (Applause.)

21 MAYOR STRICKLAND: All right, Keil --
22 actually, Keil Drescher said that they did not want to
23 testify, so I'm just going to bypass that.

24 Tara Brown, followed by Joan Mell and James
25 Black.

1 MS. BROWN: My name's Tara Brown, and I'm
2 here to oppose any expansion of private prisons in
3 Tacoma and increased regulations of current facilities.

4 Mayor Strickland, I hear what you're saying
5 about the limitations of the jurisdiction of the City
6 Council, but with all due respect, there are people
7 going on hunger strike in the facility because it's the
8 only power that they have. You, as the Tacoma City
9 Council, have way more power than that, I know you do,
10 and out of respect for the gravity of what they're
11 doing, I urge you to focus not on what you can't do and
12 not on -- not just on the problems with the federal
13 government or the issues you may have with the 2000
14 Council, but what you guys can do now to make things
15 right in the city of Tacoma.

16 And, you know, if citizens can help, we want
17 to know how. Thank you.

18 (Applause.)

19 MAYOR STRICKLAND: All right, Joan K. Mell,
20 followed by James Black and Jeannie Darneille.

21 MS. MELL: Thank you, Mayor Strickland,
22 Deputy Mayor Thoms and Members of the Council. My name
23 is Joan Mell, and I'm an attorney for GEO and have been
24 for 13 years and am proud to have represented them in
25 that capacity and have found that they are very

1 attentive and concerned about the safety and security
2 of folks in the facility.

3 I noticed in the record that it didn't get
4 before you that there is an MOU that the City of Tacoma
5 Fire Chief has with the facility, so I wanted to make
6 sure that that gets in the record, and I will provide a
7 copy to staff so that you are less concerned about lack
8 of transparency. In the event of an emergency, your
9 Fire Chief has negotiated specific arrangements to have
10 access to the facility and work cooperatively with GEO,
11 and GEO has shared the same commitment.

12 I did -- those of you who know me actually
13 will find this to be a very risky proposition, but I'm
14 handing forward to the Council a math equation that I
15 think the Council should be attentive to and can take
16 pride in, keeping in mind the statistic. It's an
17 important statistic. And the equation has three very
18 essential parts.

19 This area, Northwest Immigration Rights
20 Project, best attorneys in the nation.

21 GEO facility on J Street, best facility in
22 the nation.

23 9th Circuit, best jurisdiction to hear these
24 cases.

25 As a matter of fact, 35 percent is the

1 highest statistic in the nation of a positive outcome
2 for individuals. Folks here have protection because
3 they have the best lawyers, they're in the right
4 location, and they have the right court system.

5 GEO asks that you keep that in mind and with
6 your local controls, which GEO takes issue with there
7 being a right to go beyond the essential public
8 facility determination -- but we do appreciate the
9 Council's consideration and revisiting that legal
10 determination. Certainly, GEO does agree it's an
11 essential public facility. However, we don't waive our
12 right to contend that absolute zoning immunity or
13 preemption may preclude more detailed, specific
14 management of the facility.

15 However, saying that, they do like to be
16 neighborly. They do like to work cooperatively and
17 listen to your concerns. But as you work through those
18 processes and as you do, as you have indicated,
19 advocate for those people who are here and make sure
20 that they are taken care of, work with us on those
21 transitions, don't do anything to change that
22 statistic, don't slow down GEO or ICE from building
23 better medical facilities, building better courtrooms,
24 serving these individuals so they get a legal status
25 quicker and we have the highest statistic to be proud

1 of across the country in protecting those individuals
2 whose rights are at issue. Thank you.

3 MAYOR STRICKLAND: Thank you, Ms. Mell.

4 (Boos from audience.)

5 MAYOR STRICKLAND: Okay, so I'm going to
6 repeat myself. This is a forum that is public, which
7 means that there are varying opinions, and I want to
8 make sure that everyone, regardless of what opinion
9 they have, has the opportunity to be treated with
10 respect and dignity. That's what democracy is really
11 about. Thank you.

12 Mr. Black, followed by Jeannie Darneille and
13 Kathy Lawhon.

14 MR. BLACK: Thank you. Honorable Mayor
15 Strickland, Deputy Mayor Thoms, who stepped out,
16 distinguished members of the Council, City staff and
17 citizens, I'm here to speak on Ordinance 170348.

18 Good evening, my name is James Black. I'm
19 the Vice President of the Western Region of the GEO
20 Group that manages the Northwest Detention Center here
21 in Tacoma.

22 As originally drafted, the land use ordinance
23 would adversely impact the people entrusted to our care
24 at Northwest Detention Facility. We serve people who
25 seek political asylum, and we serve immigrants who need

1 a timely resolution to their legal status in a humane,
2 safe and secure manner.

3 Imposing regulations on GEO will not change
4 who ICE detains. And for the record, the GEO Group
5 does not take positions for or against immigration
6 policy. My job and my focus will not change based on
7 who is president. I have personally overseen the
8 operation of this facility under both the Obama
9 administration and the Trump administration. I am
10 focused on providing high quality,
11 culturally-responsive services in a safe, secure and
12 humane environment to the people who are in the custody
13 and care of the federal immigration authorities.

14 To better meet the needs of the people here,
15 we are looking at enhancing NWDC to add more space for
16 medical services, religious services, education,
17 training and additional courtrooms. These combined,
18 help to better and help to enhance the quality of life
19 for detainees day in and day out.

20 This facility was lawfully permitted in
21 cooperation with the City of Tacoma, and it complies
22 with all local, state and federal requirements. We
23 work with local officials, and we have MOUs in the
24 event that there are problems at the facility that we
25 need assistance with.

1 I'm thankful to say that in 13 years those
2 MOUs have never been used. We've been able to
3 effectively manage this facility, and we've had very
4 few problems, and that is in a 13-year run. I'm proud
5 of our record as operators of this facility.

6 We support the advice given to you by the
7 City Manager and City Attorney and City Planner that
8 the NWDC is an essential public facility and the
9 ordinance that's written may not be enforced and should
10 be rolled back.

11 Finally, and most importantly, I invite all
12 of you to take a tour of the facility and see firsthand
13 our operation. I'm proud of it, as I previously
14 stated, and we are probably one of the most regulated
15 entities on the planet. The audits we go through from
16 state, federal and private officials are unusual, and
17 they have very high standards that we meet year in and
18 year out.

19 The American Correctional Association has
20 graded our facility at 100 percent for the last two or
21 three audits running. You don't get that by running a
22 sloppy operation.

23 Regarding the hunger strike, if I could very
24 quickly speak to it, I know that there was some concern
25 in the newspaper, and I just want to let everybody know

1 that it has been resolved, and the matter is over.

2 Thank you.

3 (Boos from audience.)

4 MAYOR STRICKLAND: Thank you.

5 SENATOR JEANNIE DARNEILLE: Good evening,
6 members of the City Council. I'm Jeannie Darneille,
7 State Senator for this area. I want to thank you all
8 very much for having this hearing tonight and for
9 bringing information forward to the citizens of Tacoma
10 and the region who have a concern about this.

11 I remember after the initial siting of the
12 facility in the tide flats how shocked and appalled
13 many people were that this had happened in Tacoma and
14 really didn't understand where the radar was, much less
15 what went under the radar or above the radar. But
16 certainly there was disbelief and concerned at that
17 time without really knowing where the eyes were on this
18 process and what kind of power the City had or the
19 State had.

20 I wanted to let you know that there are great
21 costs to our local community for having this kind of
22 facility here, and it goes far afield of whether or not
23 this is a cost-effective program to have here or if
24 it's necessary to have. But we were, in fact, Tacoma,
25 the path of least resistance. That's why it was sited

1 here. That's why it wasn't in Seattle.

2 And so we really have to recognize that we
3 have an opportunity here to recognize that one of the
4 costs is the great level of fear that exists in our
5 community today. When we are losing money because
6 people are not feeling comfortable about going to the
7 grocery store anymore, we have to recognize that we
8 have truancy or we have children who are afraid to go
9 to school now because of the effect on their families.

10 So this is a great cost to us, whether it's
11 in dollars or cents or it's in our emotion, it's in our
12 being, as a city.

13 I'm going to be touring the facility tomorrow
14 with -- this is my second time. Mayor Strickland and I
15 and Senator Conway went many years ago, coincidentally on
16 the same day as -- I only have a minute left. Oh, my
17 gosh. Anyway, I will be going tomorrow again.

18 I want to talk with them about safety issues.
19 I want to talk with them about the due process issues
20 and the conditions of confinement, whether it's food,
21 safety, exercise time, health care, the separation from
22 family.

23 I will finish by just saying that the future
24 of our country is at risk here if we cannot find a
25 pathway to treat everyone with respect and dignity

1 who's providing a service in our community and is part
2 of our community. We have a choice to make as a city,
3 whether we're going to be a sanctuary city or we're
4 going to be complacent about the fear that exists in
5 our community.

6 And finally, I just want to say for-profit
7 companies are accountable to no voters. That's the
8 difference. They're accountable to no voters. And 13
9 years, quite frankly in my mind, is enough time to be
10 thinking about amenities and courtrooms. You know,
11 nobody was stopping them from having these facilities
12 for the last 13 years.

13 Thank you so much again for having this
14 hearing.

15 (Appause.)

16 MAYOR STRICKLAND: All right, Kathy Lawhon,
17 followed by Judith da Silva and Rachel da Silva.

18 MS. LAWHON: I want to thank Jeannie
19 Darneille for that and thank the Council. I'm still --
20 I'm at three-and-a-half years in Tacoma. This is my
21 first Council meeting, and I heard a lot of other
22 people say the same thing, so our democracy is a
23 beautiful thing.

24 I'm really concerned. I've spent a lot of
25 time down on the tide flats among the contamination,

1 being there in solidarity with the hunger strikers, and
2 they're on pause now, and if the people that are
3 imprisoned inside, the human beings that are imprisoned
4 inside, you know, torn away from their families, away
5 from their jobs -- if they decide to go on a hunger
6 strike again, we'll be back.

7 The argument that -- and I certainly urge you
8 not to allow this place, this scar on Tacoma, to be
9 expanded. I would urge you, in fact, to shut it down.
10 And the argument that, well, some families will have to
11 go to Texas or Oregon or somewhere to see their family,
12 if every community did the right thing and just shut
13 these things down, shut them down, then we wouldn't
14 have the issue of people being snatched in the middle
15 of the night and torn away from their families and
16 their communities and their jobs.

17 This is insane. It is outrageous. This is
18 not the kind of community that we want. I would urge
19 you absolutely do not allow it to expand. Stay on it
20 to make sure that whatever decency that they can
21 conjure up on a day when they know you're going to
22 visit -- because that's not the story that we're
23 getting from inside. Please do everything you can. If
24 you can help with legal services -- somebody mentioned
25 that. If you can continue to monitor. If there's any

1 pressure you can bring with public health departments
2 -- I don't really know. I'm just saying please do
3 everything you can to shut this center down ultimately.
4 It is a scar. It is an embarrassment on Tacoma, and it
5 hurts people, and there is no place for this. Thank
6 you.

7 MAYOR STRICKLAND: Thank you.

8 (Applause.)

9 MAYOR STRICKLAND: All right, Judith Da
10 Silva, followed by Rachel Da Silva, and Alton McDonald.

11 MS. JUDITH DA SILVA: Hi, thank you so much.
12 I just want to talk a little bit about the zoning and
13 the issues about private -- I agree that we should
14 prohibit the siting of private correctional facilities
15 in all zoning districts. Thank you for putting that in
16 there. The purpose of zoning, one of the things, is to
17 continue the character of a city, and the character of
18 this facility is not in keeping with the character and
19 the heart of Tacoma and does a disservice to the
20 community.

21 I'd also like to talk a little bit about why
22 private prisons are so inherently bad for democracy and
23 for our country. When you have people whose financial
24 stake is in locking people up, you have a recipe for
25 immorality. And I would just like to talk -- there's a

1 lot of books written about this. There's a lot of
2 issues about this. But I would just like to talk for a
3 moment about the issue here when we're looking at the
4 millions spent lobbying. So there's a Grass Roots
5 Leadership Report, "Pay off: How Congress Ensures
6 Private Prison Profits with an Immigrant Detention
7 Quota." And if you take a look and you read about
8 this, you can hear about the issues of GEO, and so I
9 would just like to say certainly Corrections
10 Corporation of America, but this article states that
11 meanwhile GEO Group, another major private prison
12 company, has not directly lobbied the DHS
13 Appropriations Subcommittee, but the report author said
14 that the company recently began lobbying in immigration
15 and immigrant detention centers, spending \$460,000
16 between 2011 and '14. When they lobbied on these
17 issues, last year GEO made 143 million in profits.

18 There's a stake -- when they're -- whatever
19 they're showing you or telling you, you have to look at
20 as what is the motivation. And certainly, profit being
21 a motivation makes it very, very difficult to really
22 see what's going on underneath.

23 And I think it's -- you know, it's very
24 important to really do this and prohibit private
25 correctional facilities. They do a disservice to our

1 country.

2 And the other thing is "The Nation" in
3 October just before the election two of Sessions'
4 former Senate aides, David Stewart and Ryan Robichaux,
5 became lobbyists for the GEO Group, according to this,
6 one of the largest private prison corporations, and the
7 two were specifically engaged to lobby on government
8 contracting.

9 The private prison industry does us all a
10 disservice as humanitarians and humans and members of
11 the United States of America. It's really important
12 that you protect and support citizens and you do not
13 encourage for-profit for hurting humans and for-profit
14 for denying their rights. When you're looking at
15 what's happening in terms of health care, medical,
16 food, you have to look at the profits. If they're
17 making 143 million a year, what is their motivation in
18 feeding everybody? I'd like you to look at their
19 motivation and really look -- take an underlying look
20 at this.

21 Thank you so much and thank you for
22 separating private --

23 (Applause.)

24 MAYOR STRICKLAND: Thank you. All right,
25 Rachel Da Silva, followed by Alton McDonald and Tim

1 Thompson.

2 MS. RACHEL DA SILVA: Thank you, Mayor
3 Strickland. That was my wonderful sister --

4 MAYOR STRICKLAND: Well, I noticed the
5 resemblance in the surname.

6 MS. RACHEL DA SILVA: -- of whom I'm very
7 proud. And thank you, all of you, for having brought
8 this to the attention of the public and for holding
9 this hearing.

10 I work as an -- I'm an attorney working in
11 family immigration and foreclosure issues, and I
12 remember when the City of Richland -- Richmond? --
13 Richmond -- in the San Francisco Bay Area first
14 broached the concept of using eminent domain back in
15 2008-2009 to address the incredibly devastating
16 foreclosure crisis, and when I heard that you, Mayor
17 Strickland, and others on the City Council, had raised
18 the potential of using local rules, local zoning, as
19 well as requirements that any private business sited in
20 the city of Tacoma comply with all local rules, I got
21 extremely excited. Unfortunately, Richmond wasn't able
22 to utilize eminent domain to really make a dent, but I
23 really feel that you folks are on the cutting edge of
24 this, and it's very exciting to be here, and I hope
25 you're all proud of one another in how far you've come

1 in just, I'm sure, what is just a few short months.

2 I would just like to strongly encourage you.
3 You heard the -- I'm not sure who it was, the gentleman
4 from GEO, representing GEO, saying -- well, the both of
5 them saying kind of two things. First of all, we will
6 challenge -- it sounded like we will likely challenge
7 any requirement that doesn't exempt us from local
8 rules. And at the same time I heard the other
9 gentleman here representing GEO saying but we do
10 comply, out of the goodness of our heart, with all
11 local, state and federal rules.

12 It's not both. And I strongly encourage you
13 to utilize all of the great local rules that you have
14 for protecting the health and welfare and safety, any
15 banking regulations you have locally or the State may
16 have, Department of Commerce, Department of Financial
17 Institutions preventing usury, what is going on with
18 the exorbitant fees charged to inmates and their
19 families for the use of phones, et cetera. All of that
20 is within your hands. And I think you're doing a great
21 job and a great public service by bringing this to our
22 attention, and you have my support to do exactly what
23 the proposed regulations state. Thank you very much.

24 (Applause.)

25 MAYOR STRICKLAND: Alton McDonald, followed

1 by Tim Thompson and Caitlyn Delance (phonetic). Okay,
2 Mr. McDonald and Mr. Thompson.

3 MR. THOMPSON: Thank you, Mayor, and Members
4 of the Council. I appreciate the opportunity to be
5 able to speak to you tonight. I'm here representing
6 GEO Group. And let me just state from the outset that
7 on a personal level I think most of you who do know me
8 know that I adamantly oppose the Trump immigration
9 policy, and frankly, almost all of the administration's
10 policies. And on a personal level, I've made a
11 commitment to myself, and we've tried to make it a
12 family commitment, to actually do something meaningful
13 every week to try to roll back and reverse some of the
14 policies that truly hurt people.

15 However, I want to speak to the issues
16 surrounding the zoning of the Northwest Detention
17 Center because on many levels at a younger point in my
18 career I estimate that having run Congressman Dicks'
19 three offices in the state of Washington I probably
20 oversaw about 3,000-plus immigration cases that came to
21 the office from everything from political asylum to
22 resolving immigration conflicts.

23 And that lesson taught me something, which is
24 why I'm opposed to the policy. It taught me to
25 concentrate on the individual injustices that were

1 being done to those individual people, and I would note
2 that this ordinance, this policy, this consideration,
3 concentrates on a facility and not the policy. The
4 facility didn't create the policy, and the facility
5 serves people today, and I would urge you to be very
6 careful that in your deliberations you don't harm the
7 very people that you're trying to protect.

8 I also would say that I fully respect the
9 testimony that's been given here. This testimony is
10 sincerely held on their beliefs. These people whose
11 families are affected, their friends, their neighbors,
12 it's very moving testimony.

13 But I think if we're going to avoid these
14 collisions in the future, we need to concentrate on
15 communication, respect, listening abilities and
16 problem-solving.

17 For instance, there is a host of people in
18 that facility, if it was banned, that seek asylum.
19 They are not people that have been necessarily picked
20 up, illegally detained. They're there for a variety of
21 reasons. There are purposes for this facility, whether
22 we want to recognize it or not, and I would ask that we
23 be responsible in that consideration.

24 I would also just say that we've been working
25 with the City staff and communicating on the kinds of

1 things we want to do to improve the facility itself, so
2 I would hope that we could look at and agree tonight
3 that we want more space for recreation, we want more
4 space for courtrooms, we want more space for religious
5 -- pursuit of religious freedom activities. We want
6 more space to actually serve the families and these
7 people. I think we could agree on that, at least at a
8 temporary level.

9 But I would also urge us that we shouldn't
10 follow the policies that have led us to this division.
11 We shouldn't be concentrating on the division. We
12 should be concentrating on the policies and the federal
13 policies that bring us together because if there's one
14 thing we've learned with this election, the only way
15 we're going to prevail on changing the policy is with
16 the United States Congress. Thank you.

17 MAYOR STRICKLAND: Thank you, Mr. Thompson.

18 All right, Loren Lemos, followed by Sarah
19 Morken and Merelin DeLong. Is Loren here still? All
20 right, Sarah Morken, followed by Merelin DeLong. Oh,
21 Loren's here. Then you're next, Sarah.

22 MR. LEMOS: Good evening, Mayor Strickland,
23 Council Members. My name is Loren Lemos. I'm a
24 resident of the Stadium District. I'm the great
25 grandson of Mexican immigrants who came across the

1 border about 100 years ago during the revolution.

2 Now, I understand that I'm speaking to a
3 municipal government about an outpost of -- as you've
4 said, terrible federal policy. I won't take up too
5 much of your time. I just want it said on the record
6 during this meeting that the act of deportation itself
7 is violence. It can't be done humanely. Whether or
8 not the material needs of the people being detained are
9 all met, if I'm torn away from my family, friends and
10 everything that I love and I'm in the back of a pickup
11 truck or a Leer jet, the damage done to me is similar.

12 So thank you, I appreciate your efforts to
13 respect people and take care of them. Thank you very
14 much.

15 MAYOR STRICKLAND: Thank you.

16 (Applause.)

17 MAYOR STRICKLAND: All right, Sarah Morken,
18 followed by Merelin DeLong.

19 MS. MORKEN: My name is Sarah Morken, and I'm
20 the great-granddaughter of immigrants from Ireland.

21 Mr. James Black, the Vice President of -- the
22 Regional Vice President of GEO, he said that GEO
23 doesn't take a position on immigration policy, but all
24 it took was one Google search in like one minute, and
25 according to USA Today, GEO donated \$250,000 to support

1 President Trump's inauguration party.

2 (Boos from audience.)

3 MS. MORKEN: And it's pretty clear what
4 President Trump's immigration policy is, so why would
5 you donate all that money if you didn't support it?

6 And a GEO subsidiary donated \$225,000 to a
7 political action committee that helped get Trump
8 elected.

9 So either Mr. Black -- well, I'm not saying
10 he's lying, but I'm saying he's wrong.

11 The people in the immigration detention
12 center, they came to this country trying to find a
13 better life or safety. They're oftentimes following
14 the wealth that has been stolen from their country by
15 mining companies, the international -- the monetary
16 fund, the banks, big agricultural countries. They've
17 -- their companies have been terrorized by war. And
18 they -- I mean, they're not anymore likely to commit a
19 crime than any other person in our country, and they
20 shouldn't be locked up. We should welcome them just --
21 I mean, I don't think my great grandparents were
22 welcomed all that much either, but they weren't locked
23 up in detention centers.

24 And this -- the private prisons, we need to
25 eliminate them. And we actually need to open the

1 borders. The borders only benefit the bosses. I just
2 listed all the good reasons that immigrants and
3 refugees come to this country. We allow corporations
4 to come to this country, and we allow rich people to
5 come to this country, but working-class people,
6 especially people with brown skin, get treated really
7 badly, like they're criminals just for trying to come
8 here for a better life and to work.

9 So anyway, let's get rid of GEO. That would
10 be -- that would be a start. Thanks. Get rid of that
11 detention center.

12 MAYOR STRICKLAND: Thank you.

13 (Appause.)

14 MAYOR STRICKLAND: All right, Merelin DeLong,
15 followed by Claudia Riedener and Lucas Ayenew.

16 MS. DeLONG: Sorry, this is my first --

17 MAYOR STRICKLAND: That's okay.

18 MS. DELONG: So my name's Merelin DeLong, and
19 I'm a Maya, born in Guatemala. I came here as a child
20 immigrant. My whole childhood I knew what it meant to
21 be afraid of what will come and how to deal with being
22 mistreated for simply being an immigrant.

23 I share this piece of myself because under
24 this new administration that same fear is what is
25 keeping most of our immigrant community of being here

1 tonight.

2 I'm here to be another voice. And as a
3 resident of this amazing city, I'm asking you to hold
4 the line with us. Do not reward GEO Group with
5 allowing an expansion. They already expanded their
6 facility in 2009, which made them the largest detention
7 center owned by GEO Group on the West Coast, so I
8 wonder, how much more of Tacoma are we willing to give
9 away?

10 This detention center is in our backyard. We
11 cannot turn our backs to what is an ugly part of the
12 city. We should be looking toward movements that stand
13 with what we value in our neighborhoods and within our
14 community as a whole.

15 I ask for the Council to continue to stand
16 with the decision you made of calling Tacoma a
17 welcoming city.

18 Let's start by calling it what it is, a
19 private-owned prison. Also, it's irresponsible and
20 unfair to say that we should not consider speaking of
21 hunger strikes that have been occurring and also the
22 things that question their license status because it is
23 part of why we should or should not give them that
24 allowance of expanding.

25 I'm sharing tonight these GEO reps wanting to

1 expand because they want to provide medical services,
2 among other things that they should already be
3 providing, so obviously there's something broken inside
4 of their bars. And we are not their answer in the
5 sense of they should be working internally to figure
6 out how to work with the detainees in providing the
7 services that they state in their policies they should
8 and have or whatnot been doing.

9 I'm asking the Council to demand transparency
10 in the treatment of how the people are being detained
11 and what you all are allowed to see or not to see.
12 Push back with us, question and investigate. Hold them
13 accountable for their inhumane treatment. Don't
14 overlook the current and the past hunger strikes that
15 have occurred. Every immigrant has a story of why they
16 put their lives on the line for a chance to survive.

17 As you make your decision or speak about
18 expanding or not, please remember who is behind those
19 bars. We immigrants are your neighbors, we're parents,
20 we're sons and daughters. We are the hard-working
21 people doing the dirty jobs most people don't want to
22 do. We are the ones paying into taxes, knowing we may
23 never get it. And we live in fear so that our children
24 can live a better life than the ones we left. Thank
25 you.

1 MAYOR STRICKLAND: Thank you.

2 (Applause.)

3 MAYOR STRICKLAND: All right, Claudia
4 Riedener, followed by Lucas Ayenew and Liesl Santkuy1.

5 MS. RIEDENER: Dear Council. First, thank
6 you, Council Member Marty Campbell for initiating this
7 very important topic. And like you said, if we do not
8 allow condos in the Port, but we allow human detention,
9 are we really declaring those people fully human or,
10 indeed, are they something less than human? So I very
11 much appreciate it, thank you.

12 The site is not only in the Port where many
13 dangers could happen, such as lahars and tsunamis and
14 earthquakes, but it's also situated on a very toxic
15 Superfund Site, the tar pits, by PSE.

16 In -- I'm an immigrant. I'm a first
17 generation immigrant myself. I'm unbelievably
18 fortunate because I was not fleeing a terrible
19 situation. I fled -- I left a very good country. And
20 I'm also fully aware that by the fact of how I look and
21 by the fact of how I sound, I have no fear that I'll be
22 pulled from my family in the middle of the night. I
23 have no fear that I'll be pulled away from my work. So
24 we have to be conscious of that.

25 In 2014 I was very fortunate to travel to

1 beautiful Huaca. I went with a friend. We visited a
2 little village outside the city. And as we exited the
3 bus, there was a major downpour so we kind of ducked
4 under a small little artisan stall. They were selling
5 little hand-painted animals. And we were standing
6 there talking about the art work and realized that it
7 was a young couple. One of the two spoke English
8 really well. In fact, she spoke English like an
9 American. So we asked -- she asked us where we were
10 from, and then we told her we were from Tacoma, and we
11 could read in his face -- in the young man's face --
12 that it triggered an emotion. And it turned out -- she
13 was American, he was a Mexican illegal immigrant. They
14 were living in Portland. He was called by neighbors
15 because she was 17, she was a minor, and they were in a
16 relationship and she was pregnant, and he was pulled
17 away from her. He was put in the detention center, and
18 he was raped on several occasions, and he had nowhere
19 to go.

20 After several months, he was deported. She
21 had no way of reaching him, and it took her a long time
22 to find him in Mexico. And then together they traveled
23 to Huaca where they are now married and have two
24 children.

25 I can tell you this. For immigrants that

1 have been treated this way, when they hear Huaca --
2 pardon me, when they hear Tacoma, they don't think live
3 like the Mountain is out. They think detention center.
4 They think brutal rapes. They think impunity, and this
5 is on all of us.

6 To allow -- to allow a private group to
7 squeeze millions out of -- out of -- out of people that
8 come here to do our dirty work that we're not doing,
9 people that come here and work in the fields, that work
10 in hospitals, work in cleaning services, to abuse those
11 people now in detention, to give them sub-par food
12 while they make millions, it can't happen. We can't
13 let this happen.

14 MAYOR STRICKLAND: Thank you.

15 (Applause.)

16 MAYOR STRICKLAND: Okay, Lucas Ayenew,
17 followed by Liesl Santkuyl. Oh, Liesl, there you are.

18 MR. AYENEW: This is a statement by the
19 University of Washington, School of Law.

20 By the University of Washington, School of
21 Law, International Human Rights Clinic. I am here as a
22 delegate for this statement and also as someone with
23 family detained -- that had been detained.

24 "Dear Mayor Strickland and Council Members of
25 the City of Tacoma. We write to you in order to

1 support your efforts to address the human rights
2 violations of immigrants held at the Northwest
3 Detention Center in Tacoma by revoking GEO's license to
4 operate the detention center due to safety and public
5 health concerns. We also prompt you to work towards
6 the end of mass incarceration of immigrants encouraged
7 by the privatization of detention facilities by
8 preventing any expansion of the detention center in
9 your city."

10 And I would just like to say to the City, as
11 far as a trigger goes for revoking ICE's business
12 license -- I mean, GEO's business license -- 750-plus
13 people on hunger strike in approximately 1,200 beds
14 this week -- I don't know what more of a trigger you're
15 looking for. (Applause.) Paused because GEO lied in
16 negotiations and begun again today in its third week.

17 "Both the United States and corporations
18 contracting with the government have human rights
19 obligations under international law. The U.S. has
20 ratified a number of human rights treaties and accepted
21 several accommodations proposed by treaty bodies
22 regarding the immigration system.

23 It has also endorsed and committed to
24 implementing -- committed to implement the U.N. guiding
25 principles for business and human rights, an instrument

1 providing companies and governments with guidance on
2 how to implement human rights within their operations.

3 We support the end of criminalization, unfair
4 detention and deportation of immigrants. International
5 human rights law considers that restriction of liberty
6 should be a limited exception, and prison should not be
7 the answer for non-compliance with immigration laws.

8 International human rights bodies have
9 repeatedly stated their concern about the U.S.
10 immigration policy favoring mandatory detention over
11 alternatives to detention. However, the U.S. and
12 corporations operating immigration detention facilities
13 have failed to protect, respect and fulfill their human
14 rights obligations.

15 Since January of 2016 students at the
16 International Human Rights Council clinic at the
17 University of Washington, School of Law, have been
18 supporting the Northwest Detention Center resistance."

19 MAYOR STRICKLAND: Thank you. Thank you.

20 MR. AYENEW: I would just like to thank the
21 ICE and GEO public relations team for organizing to be
22 here, and I hope they enjoy their meals.

23 (Applause.)

24 MAYOR STRICKLAND: All right, Leisl?

25 MS. SANTKUYL: Good evening, Council, Mayor

1 Strickland and staff. I am -- my name is Leisl
2 Santkuyll, and I live in Tacoma, and I am an immigrant
3 who has lived here for about 20 years and call Tacoma
4 home and contribute in many ways to my community's
5 well-being, as do many other immigrants.

6 I am appreciative of the Council and the City
7 of Tacoma Council's work to pass interim regulations
8 and now figure out the legal implications so that the
9 regulations stand firm in not allowing expansion of the
10 detention facilities here.

11 If we want to be a welcoming city to
12 immigrants, it will take more than welcoming remarks,
13 but a real commitment, as you are showing, to policy
14 that shows our immigrant committee that we care and
15 that we are making policy that will hold up in court.

16 I thank you for your swift work on this, and
17 yet careful work now, to ensure that immigrants know
18 that this is a safe and welcoming environment.

19 Last year as we held two Latino town halls
20 before our current presidential administration, we
21 heard from 250 immigrant citizens who talked about
22 immigration as one of the key factors, key issues, that
23 is needed, that the detention facility does not make
24 for a welcoming city. We heard this before it came to
25 national attention.

1 We applaud the City for taking some action
2 around this, to looking at ways that they can really
3 make a difference and make this a welcoming city. It
4 is your -- it is your purview to make policy that
5 affects us local citizens, and we appreciate the hard
6 work that you're doing. Thank you.

7 MAYOR STRICKLAND: Thank you.

8 (Applause.)

9 MAYOR STRICKLAND: So at this time I will
10 declare the public hearing closed. I first want to
11 start by thanking those of you who stuck with us for
12 the entire hearing and those who left, and there has
13 been a lot of passionate testimony on both sides. At
14 the end of the day, we will do what we can as a City
15 within the purview of the law, but as I said earlier, a
16 lot of this is based on federal policy.

17 And I want to also point something out too
18 because we talk about what we can do when it comes to
19 effecting policy. Vote. That's the most effective way
20 to have an impact on who is in Washington, D.C., and
21 for those of us who don't sit out an election because
22 the candidate that probably has your values closer than
23 someone else isn't meeting an ideological purity test.
24 At some point, we have to ask ourselves as voters is
25 this person going to be more aligned with our value or

1 less aligned because what we have going on in
2 Washington, D.C., is a result of many things, but a lot
3 of it is a result of people who chose not to
4 participate in the election.

5 So as we talk about what we can do long-term,
6 this has to happen at the federal level. As someone
7 mentioned earlier, with or without the detention center
8 in Tacoma, people are going to be arrested and detained
9 every single day, and if we want to effect policy
10 long-term and actually do something significant to help
11 people, we have to stop being the country that detains
12 and arrests black and brown people disproportionately.
13 We have to be a country that says that we don't want to
14 profit off of people being incarcerated. We have to be
15 a country that says that the majority of people who
16 show up and vote are going to get their way and not be
17 subject to gerrymandering, which manipulates the entire
18 system.

19 So as we talk about what we can do in the
20 short term, we as a Council will look at these policies
21 very thoroughly, but long-term, please vote. Please
22 hold people accountable at the congressional level and
23 think about what it may mean if you or someone you know
24 decides to sit out an election because a candidate may
25 not meet your ideological purity test.

1 Any other comments at this time? Yes,
2 Council Member Mello.

3 COUNCIL MEMBER MELLO: Thanks, Mayor
4 Strickland. Thanks for those comments. Unfortunately,
5 I very much agree that a lot needs to change at the
6 federal level and there's a lot of really sad reality
7 at the federal level.

8 I do want to thank Council Member Campbell
9 too for his good work in forcing this very important
10 community conversation. Thank you Council Member
11 Campbell.

12 And certainly a lot of very frustrating and
13 unfortunate things do happen, I believe, because of the
14 private profit motive, many of which have been
15 illustrated this evening.

16 I have a question for staff about the
17 policies that are in front of us. In one of the final
18 slides, Mr. Boudet, you talk about the staff
19 recommendation after the Planning Commission
20 deliberations, and it talks about modifications to
21 facilities, that using a conditional use permit would
22 be the recommendation and the modification to current
23 regulations, and it says it would go under a
24 conditional use permit if there are significant changes
25 in size. What's the definition of significant in size?

1 MR. BOUDET: Council Member Mello, thanks for
2 the question. The threshold for the trigger as
3 proposed -- there's two components. One on just sheer
4 expansion is a 10 percent threshold. And then as
5 indicated, there's also -- part of the recommendation
6 is a specific provision that would tie directly to the
7 number of detainees. So even an expansion that's below
8 the 10 percent size threshold that increased the number
9 of detainees or the capacity of the facility would also
10 trigger that same conditional use permit requirement.

11 COUNCIL MEMBER MELLO: Okay, I appreciate
12 that. I'm not under the impression that we're going to
13 close down the center tomorrow or anytime soon,
14 unfortunately. If I were King for the Day, I would do
15 many, many, many, many things differently, but the sad
16 reality is I don't see it going away. But I also don't
17 -- where I have significant issue too in the policy is
18 I do not think a facility like this is appropriate in
19 the Port Maritime Industrial area, the PMI. These
20 aren't industrial jobs. These aren't manufacturing
21 jobs. It's not an appropriate location for all kinds
22 of reasons, especially when they get released they're
23 in the middle of nowhere, in an industrial area, not on
24 a transit corridor, nowhere near social services.

25 But bottom line, it's not Port

1 maritime-related jobs, and we have very, very scarce
2 Port maritime land that we should be reserving for
3 manufacturing industrial jobs.

4 There's a conversation that many of us have
5 been causing about what are the right industrial jobs
6 for this community that are manufacturing and
7 industrial for this community, for this urban
8 community. I don't think prisons should be in Port
9 maritime and industrial lands because they're not Port
10 maritime jobs.

11 So I have issue with that, and I'll continue
12 to press with the Planning Commission and staff on
13 future, at least -- I don't think any prison in the
14 future should be in the PMI because we should be
15 reserving Port maritime industrial lands for those
16 valuable good family-paid jobs that are clean jobs.

17 Thank you.

18 MAYOR STRICKLAND: Yes, so this afternoon at
19 study session I did a bit of editorializing, and I
20 pointed out that when we wanted to put apartments and
21 condos on the east side of the Foss, there was
22 objection from the Port and the tide flats businesses
23 saying we don't want that there because we don't want
24 to infringe upon industry. And then I asked the
25 question, well, where was your objection when we were

1 talking about siting a detention center. And I did get
2 an answer from the Port, which said that they were not
3 in favor of this, and I'm not going to read the history
4 because I wasn't there at the time, but I do agree with
5 Council Member Mello's assertion that if we say we
6 don't want anything to infringe upon industry, then we
7 have to be consistent with that. We can't oppose a
8 condo, but then say it's okay to have a detention
9 center that houses mostly brown people.

10 So at the end of the day, we realize that
11 this detention center is here, it was permitted at the
12 time, we have an administration that has a policy that
13 gives a lot of us pause and puts fear in a lot of
14 people's eyes, but we also want to make sure that if
15 this is here that we are holding GEO Group accountable
16 to ensure that people are being treated in the most
17 humane way possible.

18 Now, I have questions about how we enforce
19 that because I'll ask you, Madam City Attorney, when we
20 talk about business licenses, regardless of -- I'm
21 sorry, Madam City Manager, my mistake. When we discuss
22 business licenses and how we revoke them, the reason I
23 wrote that letter to Geo Group at the time was that
24 this is a business, like any other, even though they
25 have a very different clientele, and how do we treat

1 businesses when we decide to shut them down? Is it
2 complaint driven? What's the process that we entail to
3 go through deciding whether or not to shut down a
4 business. So could you maybe talk briefly about what
5 those steps are because I think some people think I
6 wrote a letter that shut them down. It doesn't work
7 that way.

8 Can you hear me now? Is that better? Sorry.

9 So anyway, so I just want to make sure that
10 we're clear about what the process is if we decide to
11 revoke a business license because a letter from the
12 Mayor doesn't make that happen.

13 INTERIM CITY MANAGER PAULI: A letter from
14 the Mayor, unfortunately, doesn't make that happen,
15 Mayor. So bottom line, we do have a complaint-driven
16 process regarding compliance in our business licensing.
17 Our business licenses are conditioned on several
18 things, but one of them is compliance with local, state
19 and federal laws, and so if we are on notice of a
20 violation, then we would investigate that violation.
21 We would -- our process includes giving time for the
22 business to become compliant, and then if that does not
23 become the case, then we do have some authority. It's
24 administrative authority. It doesn't come back to the
25 Council, but we'd have administrative authority to

1 revoke the license, and subject to appeal and those
2 kinds of procedural steps.

3 And what your letter did was reach out
4 because of some concerns that the City Council had
5 received regarding potential violations, human rights
6 violations, in the facility. We did not have any
7 particular specific factual assertions, but just some
8 general concerns about human rights violations. And so
9 we sought a certification from the facility of
10 compliance with those laws, and we've received that,
11 and we've continued to receive some additional
12 follow-up information that we've asked for from the GEO
13 Corporation that would help us understand some of their
14 processes, some of their policies, and help us -- give
15 us some metrics for evaluating those kinds of things,
16 so some information about complaints within the
17 facility, as an example.

18 MAYOR STRICKLAND: Right. And one of the
19 things that I requested from you was a log of the
20 number of complaints and the type of complaints and
21 also just asking about some of the things that you hear
22 about, not just in detention facilities that are
23 privately owned, but how much people have to pay to
24 make a phone call, for example, and things like that.

25 And in my letter too I also talked about

1 human rights violations, due process violations and
2 workers' rights violations, as well.

3 INTERIM CITY MANAGER PAULI: Yes, Mayor, and
4 again, we've been working cooperatively, my office,
5 with the GEO Group to get these pieces of information
6 as the Council requests them.

7 MAYOR STRICKLAND: Okay, thank you. And to
8 the folks who are in the audience from GEO Group, I
9 just want to say to all of you we have an opportunity
10 to do what we say we want to do here. And regardless
11 of how you operate other facilities, this one is in
12 Tacoma, the standard is higher, and we want to make
13 sure that if we're able to treat people as humanely as
14 possible and address some of these issues that have
15 come forth that we're able to do that and that we are
16 able to verify that you are, in fact, doing that.

17 (Applause.)

18 MAYOR STRICKLAND: Council Member Campbell?

19 COUNCIL MEMBER CAMPBELL: Thank you, Mayor.
20 And thank you for your leadership and work on this. I
21 know you've been working on this since -- really before
22 the first of the year, and so this isn't something new
23 that we've jumped behind, but it's just become more
24 public in the discussions that we're having.

25 And I'll go back to what I said earlier. If

1 we're going to look at this as an essential public
2 service, the word essential does not remove the word
3 public. And if we need to make sure that in working
4 with GEO Group, ICE, whomever is there, that just
5 because it's a private prison, it's still a public
6 facility, and that still means that we have the bright
7 light of transparency and accountability on you. And
8 we're here to make sure that we're in that
9 conversation, that we're talking through these things.

10 I want to thank many of the citizens who
11 showed up today to talk. I heard some great testimony
12 tonight, both on the topic of what we're looking at
13 with interim regulations, and other issues that are
14 going on, and definitely conversations that I take to
15 heart and we take back and continue the conversation as
16 a community. But tonight I think we had a really
17 strong conversation, and I appreciate that with
18 everyone. Thank you for coming out.

19 MAYOR STRICKLAND: Thank you very much. And
20 with that, we will go back to our regularly-scheduled
21 programming again. Thank you everyone for turning out.
22 If you plan to leave, please do so quietly because
23 there's still part of a business meeting taking place.

24 (END OF EXCERPT: 1:16:19.8)

1 I, MARY JEAN BERKSTRESSER, a Certified Court Reporter
2 in and for the State of Washington, residing at Olympia,
3 Washington, authorized to administer oaths and affirmations
4 pursuant to RCW 5.28.010, do hereby certify:

5 That the foregoing proceedings were electronically
6 recorded; that I was not present at the proceedings; that I
7 was requested to transcribe the electronically-recorded
8 proceedings; that a transcript was prepared by me by
9 listening to the recorded proceedings.

10 That the foregoing transcript is a full, true and
11 correct transcript of all discernible and audible remarks.

12 That I am not a relative or employee of any party to
13 this action, or a relative or employee of any attorney in
14 said action, and that I am not financially interested in the
15 outcome thereof.

16 DATED AND SIGNED this 11th day of May, 2017.

17

18

19

Mary Jean Berkstresser



Mary Jean Berkstresser

20

Washington State Certified Court Reporter

CCR No. 2671

21

22

23

24

25

Emery, Nicole

From: Dana Brownfield <danaruthbrownfield@yahoo.com>
Sent: Tuesday, April 25, 2017 2:37 PM
To: Inet- City Clerk
Subject: Correctional facilities hearing comments

I am appalled that my city of residence continues to allow the Northwest Detention Center to operate as it has been for so long, or to even consider expanding the facility. Recent action by the detainees and their allies have raised concerns about the treatment of people in the facility and the facility's business practices. The demands of the detainees are not at all unreasonable.

It is time that Tacoma gained a reputation as a champion of human dignity, rather than a host to human suffering. I urge the city to take the following actions:

- 1) The city Director of Finance, Andy Cherullo, must revoke business licenses that violate any local, state or federal law relating to public health or safety. The 2014 and 2017 hunger strikes have raised grave questions about detention conditions in terms of: quantity and quality of food provided; basic hygiene provisions for bathing and laundry for clothing; quality of health care; and abysmal working conditions for \$1 per day wages. Given these persistent and ongoing issues, it is urgent that the City of Tacoma revoke GEO's license to operate a business that, by its very nature, violates human health and safety.
- 2) We urge City Council to make emergency Ordinance No. 28417 permanent, removing correctional facilities as permitted use in M-2 and PMI districts in the Commencement Bay/Tideflats Superfund Site. Correctional and detention facilities house people against their will. As residential sites they do not belong in heavy industrial areas with associated pollution.
- 3) GEO Group's private operation of the Northwest Detention Center means that it can currently refuse state public health agencies' request to ensure that the NWDC is safe enough for people to live there. We believe that the site must be shut down. Until that happens, the City of Tacoma should change its laws to ensure basic testing of water, soil and air conditions are not damaging the people forced to live there.

Dana Brownfield

1305 S. Fife St
Tacoma, WA 98405

International Human Rights Clinic¹
4293 Memorial Way NE
Seattle, WA 98195

April 25, 2017

Tacoma City Council
747 Market Street
Tacoma, WA 98402

Dear Mayor Strickland and Council Members of the City of Tacoma:

We write to you in order to support your efforts to address the human rights violations of immigrants held at the Northwest Detention Center in Tacoma **by revoking GEO's license to operate the detention center, due to safety and public health concerns**. We also prompt you to work towards the end of mass incarceration of immigrants- encouraged by the privatization of detention facilities- **by preventing any expansion of the detention center at your city**.

Both the United States and corporations contracting with the government have human rights obligations under international law. The U.S. has ratified a number of human rights treaties² and accepted several recommendations posed by treaty bodies regarding the immigration system³. It has also endorsed and committed to implement the UN Guiding Principles for Business and Human Rights (UNGPs), an instrument providing companies and governments with guidance on how to implement human rights within their operations.

We support the end of criminalization, unfair detention and deportation of immigrants. International human rights law considers that restriction of liberty should be a limited exception and prison should not be the answer for non-compliance with immigration laws. International human rights bodies have repeatedly stated their concern about the U.S. immigration policy favoring mandatory detention over alternatives to detention⁴. However, the U.S. and corporations operating immigration detention facilities have failed to protect, respect and fulfill their human rights obligations.

¹ This letter does not represent the official position of the School of Law of University of Washington and the views presented here represents only the opinions of the authors of the letter.

² The American Declaration was adopted by the U.S. in 1967 ; The U.N. Protocol relating to the Status of Refugees was ratified by the U.S. in 1968 and implemented through the Refugee Act of 1980 ; The U.N. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was ratified in 1994 and implemented by the 18 U.S.C. § 2340A legislation; the International Covenant on Civil and Political Rights was ratified in 1992; the International Convention on the Elimination of All Form of Racial Discrimination was ratified in 1994; and the U.S. also signed but did not ratify the International Covenant on Economic, Social, and Cultural Rights and the American Convention.

³ Report of the United States of America Submitted to the U.N. High Commissioner for Human Rights in Conjunction with the Universal Periodic Review at http://www.ushrnetwork.org/sites/ushrnetwork.org/files/usg_upr_report_2_2_15.pdf.

⁴ UN Doc. A/HRC/16/11 at 27 (Jan. 4, 2011); UN Doc. A/HRC/30/12 at 29 (July 20, 2015); UN Doc. CAT/C/USA/CO/3-5 at 10 (Dec. 19, 2014); UN Doc. OEA/Ser.L/V/II. 78/10 at 144 (Dec. 10, 2010).

Since January 2016, students at the International Human Rights Clinic at the University of Washington, School of Law have been supporting the NWDC Resistance, a grassroots organization of undocumented and formerly detained immigrants and families. We have analyzed testimonies and letters the group has gathered over the years regarding detention conditions of many immigrants at the NWDC in Tacoma. We briefed the United Nations Working Group on Arbitrary Detention (UNWGAD) and the Inter-American Commission on Human Rights (IACHR) on the role of corporations on the current human rights situation in Tacoma Detention Center.

The testimonies from inside Tacoma Detention Center highlighted the systemic violation of a number of rights including freedom from arbitrary detention, freedom from inhuman or degrading treatment, the right to family life, the right to earn a decent living, access to adequate medical care and adequate food. Several testimonies denounced overpriced services like telephone and commissary. These human rights violations occur from arrest to deportation and are further encouraged by the lack of meaningful or effective complaint system.⁵ Similar concerns have once again been recently brought to light by recent hunger strikes at the detention center. In fact, GEO human rights records are currently being questioned in Colorado where the company was sued for unjust enrichment and for a violation of the Trafficking Victims Protection Act⁶.

The International Covenant on Civil and Political Rights (ICCPR)- treaty signed and ratified by the US- provides that “all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person”⁷. The government has the obligation to protect against human rights abuses by corporations and prevent, investigate, punish and redress abuse through policies, legislation, regulation and adjudication. These human rights concerns posed by GEO’s performance affect the safety and public health, not only of the people detained and their family members, but also of the community as whole. Until the NWDC closes and immigrants are allowed to face immigration proceedings free within their communities, the city should work to comply with recommendations to the U.S. to ensure persons detained have access to privacy, freedom of movement, activities,⁸ contact visits⁹, nutritionally adequate food.¹⁰ The city needs to protect persons detained from discrimination,¹¹ assault,¹² segregation,¹³ and solitary confinement.¹⁴

⁵ See e.g. Human Rights brief, Immigrant Detention in the United States: Violations of International Human Rights Law (January 2017) ; Seattle Human Rights Commission, Immigrant Detention Divestment Resolution (July 2014); National Immigrant Justice Center, Lives in Peril: How Ineffective Inspections Make ICE Complicit in Detention Center Abuse (October 2015) ; The Huffington Post, ICE Fails To Investigate Allegations Of Abuse At Detention Centers: Report (October 2015) ; Voices from Detention: A Report on Human Rights Violations at the Northwest Detention Center (June 2008); ABC news, Private Prison Co. Again Accused of Human Rights Abuses (August 2008).
⁶ Kirik Mitchell, *Class Action Suit: Immigrants held in Aurora Required to Work for \$1 a day, threatened with solitary if refused*, Denver Post (March 2, 2017).

⁷ International Covenant on Civil and Political Rights article 10 (1966).

⁸ UN Doc. OEA/Ser.L/V/II. 78/10 *Report on immigration in the United States: Detention and Due Process* at 149 (Dec. 10, 2010); UN Doc. OEA/Ser.L/V/II. 78/10 at 151 (Dec. 10, 2010).

⁹ Pacheco Teruel et al. v. Honduras, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 241, para. 67 (April 27, 2012); UN Doc. OEA/Ser.L/V/II. 78/10 at 149 (Dec. 10, 2010) ; see also Pacheco Teruel et al. v. Honduras, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 241, para. 67 (April 27, 2012).

¹⁰ UN Doc. OEA/Ser.L/V/II. 78/10 at 150 (Dec. 10, 2010).

¹¹ UN Doc. OEA/Ser.L/V/II. 78/10 at 150 (Dec. 10, 2010).

¹² UN Doc. CAT/C/USA/CO/3-5 at 10 (Dec. 19, 2014); Prison Rape Elimination Act (2003) ; UN Doc. CAT/C/USA/CO/3-5 at 9 (Dec. 19, 2014).

¹³ UN Doc. CAT/C/USA/CO/3-5 at 10 (Dec. 19, 2014); Directive on the appropriate use of segregation in U.S. Immigration and Customs Enforcement (ICE) detention facilities (2013).

¹⁴ UN Doc. CAT/C/USA/CO/3-5 at 9 (Dec. 19, 2014).

We also observed in the testimonies that **concerns over detention conditions are largely unattended** due to the lack of access to legal representation, fear of immediate retaliation, transfer, deportation and lack of effective and independent complaint mechanisms. The complexities of a system where federal agencies contract with private corporations make it nearly impossible to hold anyone accountable for detention conditions in the U.S. legal system.¹⁵ In its preliminary findings on the U.S. visit the United Nations Working Group on Arbitrary Detention was concerned about “whether there are any meaningful consequences for those that fail to comply with applicable detention standards.”¹⁶ It noted that there were no checks and balances and the oversight system lacked transparency and independence. It was also concerned with the lack of legal mechanisms to terminate a contract with a privately-operated detention facility when fails to comply with human rights standards.¹⁷ The Committee Against Torture,¹⁸ and the Human Rights Committee¹⁹ also recommended the establishment of an effective and independent mechanism to ensure prompt, impartial and effective investigation of all allegations of violence and abuse in immigration detention centers.²⁰

GEO denies any wrongdoing or supporting policies that promotes mass incarceration of immigrants²¹, despite public strong allegations that they are in fact proposing legislation²² and financially supporting political campaigns promising the expansion of immigrant detention²³.

It is time for the City of Tacoma to start seeking for different forms of accountability. Based on the above considerations, we call on the City Council of Tacoma to revoke GEO’s business license to operate the Northwest Detention Center, for its repeated human rights abuses in violation of international law, to advocate for alternatives to prison for immigration, and to prevent any possible expansion in your City.

Sincerely,



Alejandra Gonza
Director
International Human Rights Clinic
University of Washington School of Law

María José Cordero,
Marina Gallón
Kelsey Armstrong-Hann
Students
International Human Rights Clinic
University of Washington School of Law

¹⁵ Detention Watch Network, *Detention oversight* at <http://www.detentionwatchnetwork.org/issues/detention-oversight>; *ICE Policies Related to Detainee Deaths and the Oversight of Immigration Detention Facilities*, Office of Inspector General Department of Homeland Security (June 2008) at https://www.oig.dhs.gov/assets/Mgmt/OIG_08-52_Jun08.pdf; Deconstructing Detention: Structural Impunity and the Need for an Intervention, 65 Rutgers L. Rev. 447.

¹⁶ Working Group on Arbitrary Detention, “Preliminary Findings from Its Visit to the United States of America” (11-14 Oct. 2016).

¹⁷ *Id.*

¹⁸ UN Doc. CAT/C/USA/CO/3-5 (Dec. 19, 2014).

¹⁹ UN Doc. CCPR/C/USA/CO/4 (April 23, 2014).

²⁰ UN Doc. CAT/C/USA/CO/3-5 at 10 (Dec. 19, 2014) ; UN Doc. A/HRC/16/11 at 26 (Jan. 4, 2011).

²¹ Tacoma immigration detention center is misunderstood <http://www.thenewstribune.com/opinion/article144642549.html>

²² Associated Press. *Prison company struggles to get license to hold children*, available at <http://www.bigstory.ap.org/article/adbd71efcfaf4b9a96c379face79fbe9/private-prison-company-struggles-get-license-family>

²³ GEO Group Gives Money to Trump, Gets \$110M Immigrant Prison Contract. See more at: <https://www.lexisnexis.com/legalnewsroom/immigration/b/outsidenews/archive/2017/04/21/geo-group-gives-money-to-trump-gets-110m-immigration-prison-contract.aspx?Redirected=true>

Emery, Nicole

From: Alejandra Gonza <agonza@u.washington.edu>
Sent: Tuesday, April 25, 2017 10:29 AM
To: Inet- City Clerk
Cc: Marina Angela Denise Gallon; MariaJose Cordero; kelsey.armstronghann@gmail.com
Subject: Written comments: Public hearing pertaining correctional facilities
Attachments: Letter to Tacoma Council April 2017.pdf

Dear Doris Sorum:

Please find attached our written comments on the public hearing pertaining to the interim zoning of correctional facilities enacted on March 7th, 2017.

This letter does not represent the official position of the School of Law at University of Washington and the views presented here represents only the opinions of the authors of the letter.

Best regards,

Alejandra Gonza, Director
María José Cordero, student
Marina Gallón, student
Kelsey Armstrong-Hann, student

International Human Rights Clinic
University of Washington School of Law
William H. Gates Hall, Room 265



April 25, 2017

Mayor Marilyn Strickland
City of Tacoma

Dear Mayor Strickland and esteemed City Council members,

We write to you as groups that work in solidarity with people held in the Northwest Detention Center (NWDC), their families, and those at risk of immigration detention. The recent hunger strikes by people detained at the NWDC have brought renewed attention to the deplorable conditions at the GEO-owned facility. By putting their health on the line to highlight human rights abuses, the hunger strikers have created the imperative for those of us on the outside to respond to their urgent demands. Tacoma's political leadership has already started down this route. We applaud recent efforts by those on City Council, such as the February 24, 2017 letter by Councilman Ryan Mello to ICE and the Department of Homeland Security in support of DACA recipient Daniel Ramirez and Mayor Strickland's letter to GEO Group the same day expressing concern about the NWDC's violation of due process rights and danger to public health, safety, and/or welfare.

We now call on you to take the steps outlined below and revoke GEO's license to operate the detention center. Until the facility is shut down, the Tacoma Municipal Code (TMC) should be amended to block its expansion, and to require monitoring and compliance with public health and safety standards.

- 1) In a February 24, 2017 letter to GEO Group, Mayor Strickland noted that the city Director of Finance, **Andy Cherullo, must revoke business licenses that violate any local, state or federal law relating to public health or safety** pursuant to Tacoma Municipal Code 68.10.140(6). While the letter expressed specific concerns about due process relating to the detention of a DACA recipient, the 2014 and 2017 hunger strikes have raised grave questions about detention conditions in terms of: quantity and quality of food provided; basic hygiene provisions for bathing and laundry for clothing; quality of health care; and abysmal working conditions for \$1 per day wages. Given these persistent and ongoing issues, it is urgent that the City of Tacoma revoke GEO's license to operate a business that, by its very nature, violates human health and safety. The detention center affects not only the 1,575 people who can be held any given day, but also their children, families, and neighbors who form the backbone of our communities.
- 2) **We urge City Council to make emergency Ordinance No. 28417 permanent**, amending Tacoma Municipal Code (TMC), Sections 13.06.100, 13.06.200, 13.06.300, 13.06.400, and 13.06.700 to remove correctional facilities as permitted use in M-2 and PMI districts in the Commencement Bay/Tideflats Superfund Site. Correctional and detention facilities are fundamentally residential, and the planning at the City of Tacoma must account for exposures to industrial air pollution, railroad noise and

other stressors, ensuring their clean up and maintenance at the same levels as residential districts.

- 3) GEO Group's private operation of the Northwest Detention Center Parcels is a crucial point of community concern, and the TMC does not currently differentiate between private and public correctional facilities. While federal, state and local health and environmental authorities have asked for permission to conduct voluntary monitoring of groundwater, air, and water vapors in the NWDC, GEO has not allowed for any testing. As such, concerned family members and citizens of Tacoma have no assurance that the federal detentions carried out on Superfund soil meet minimum health and safety conditions. **We urge Tacoma City Council to modify TMC as necessary to ensure that all residential facilities, whether operated by state agencies or for-profit corporations, meet minimum environmental health monitoring and compliance standards to ensure public health and safety.** To do so, private residential facilities must comply with all environmental and health requests (such as by the Environmental Protection Agency, Agency for Toxic Substances and Disease Registry (ATSDR), and Washington Department of Ecology) for site monitoring and remediation.

We call on the Mayor, City Council, and Finance Director to revoke GEO Group's business license due to the health and safety violations its business poses. In the meantime, if Tacoma is to control its own destiny, City Council must extend the emergency ordinance to limit any potential expansion of the Northwest Detention Center.

Sincerely,

Angélica Cházaro, Maru Mora Villalpando Murphy Mitchel and Megan Ybarra; Northwest
Detention Center Resistance (NWDCR)
www.nwdcresistance.org
resistencia solidarity@gmail.com

Co-Signatures

Tina McKim; Bellingham Deaf and Disability Justice Collective
Erik Stark; Burlington Family Practice
Marcos Martinez; Casa Latina
Michael Ramos; Church Council of Greater Seattle
Luke Quinn; Coalition of Anti-Racist Whites (CARW)
Silky Shah; Detention Watch Network (DWN)
Jamie Trinkle; Enlace
Janet Whitney; First Presbyterian Peace and Justice Team
Robert Pauw; Gibbs Houston Pauw
Jill Mangaliman; Got Green
Sarah Morken; Green Party Tahoma
Dean Jackson; Hilltop Urban Gardens
Danny Waxwing; Incarcerated Mothers Advocacy Project

Rae Anne Lafrenz; Interfaith Movement for Immigrant Justice - Oregon
Joanne McClarty; Journey Kpoinania Catholic Community
Diana Perez, Washington State League of United Latin American Citizens (LULAC)
Blanca Luthi; Morena Seattle
Rich Stolz; OneAmerica
The People's Assembly
Dian Alarcon, Sachamama
Leigh Barrick; Seattle Committee in Solidarity with the People of El Salvador (CISPES)
Maggie Long; SEIU Local 49
Luis Garcia; Tacoma Migrant Justice
Nancy Farrell; Tacoma Unitarian-Universalist Congregation: Social Justice Committee

cc: Andy Cherullo, Finance Director
cc: Elizabeth Pauli, Interim City Manager

Emery, Nicole

From: Resistencia Solidarity <resistenciasolidarity@gmail.com>
Sent: Tuesday, April 25, 2017 2:55 PM
To: Inet- City Clerk
Cc: NWDCResistanceCore
Subject: Written Comments for City Council's Public Hearing on Ordinance No. 28417
Attachments: Letter to Tacoma -- ShutDownGEO.pdf

Dear Doris Sorum,

Please find attached a letter written for consideration by the Mayor and City Council in the hearing this afternoon on Ordinance No. 28417.

In it, we call on the Mayor, City Council, and Finance Director to revoke GEO Group's business license due to the health and safety violations its business poses. In the meantime, if Tacoma is to control its own destiny, City Council must extend the emergency ordinance to limit any potential expansion of the Northwest Detention Center.

Could you please confirm receipt?

Thank you,

Northwest Detention Center Resistance

To: Tacoma, Washington Mayor and City Council

This Tuesday, April 25th, Tacoma City Council will meet to discuss "correctional facilities" --including the Northwest Detention Center -- and whether to limit their expansion. We call on the Mayor, City Council, and Finance Manager of Tacoma, Washington to revoke GEO Group's business license for the Northwest Detention Center (NWDC) due to the health and safety violations this for-profit immigration prison poses. Until the NWDC is closed, Tacoma City Council must also extend its emergency ordinance to limit any potential expansion of the facility, and ensure basic testing of water, soil and air conditions.

Signed by 609 people:

Name	Zip code
Megan Ybarra	98144
Tamiko Nimura	98406
Margaret Wilson-Briggs	98115
Liam Dale	98103
martena caple	98403
Vanessa Reyes	98118
Chris Iberle	98116
Liz Biviano	98422
Connie Copeland	98349
Eliza Davison	98112
Lily Cui	98409
Alana Carr	98407
Jasper Perry-Anderson	44074
Tina McKim	98225
Owen Gow	97301
Lauren Schreiber	98579
Claire Smith	98105
Shauna Shipley	98406
Connie Phegley	98501
Alice Sofiasdiakonou	98421
Carrie Richards	98146

Name	Zip code
Julie Kitzerow	99362
Daniela Murguia	98036
Brenda Bentley	98225-5347
Rose Pytte	05675
Matthew Souza	02919
Heather Carawan	98404
LUKE QUINN	98144
Michael Lott	98144
Terry Paull	98012
Maya Jarrad	97202
Trish Goodvin	98351
Hannah Ritner	98416
Kate Reynolds	98118
Melanie Vazquez	83687
A B	98075
Frank Smith	98584
Marsha Cutting	98110
Elizabeth Packard	98501
Barbara Lowery	98273-8127
Shannon Smythe	98166
Nicolas Rothbacher	98406
Scott Groce	98407
Jo Walter	98312
Sheila Noreen Gilkey	98501
Donna Whittaker	98311
Pamela Armstrong	98312
Rachel Zerrell	98102
Leticia Parks	98006
Danielle Blechert	98105
Molly Mitchell	98126
Ayan Musse	98418

Name	Zip code
TARNISHA BECK	63136
Tomas Madrigal	98405
Julie Beems	98312
Marilyn Bode	98346
Maria Fergus	98370
Alejandro Reyes	97006
Jennifer Barfield	98409
Maggie Metcalfe	98034
Amanda Cain	98370
Jeremy Harrison-Smith	98235
Susan Montacute	98024
Dennis Raymond	98117
Elizabeth Harburg	98407
B E Drake	98118
Patrick Kerber	98312
Sarah Luthens	98144
PAT LLOYD	98312
Rachel Duthler	98108
Dena Jensen	98230
Kim Sherman	98144
marcy rivas	98166
Shaana Sweiven	98501
Lu Schreiber	46143
Kelly Allen	98122
Lauren Mahon	98107
Rafael Muñoz	90250
Shane Lee	48030
Airen Lydick	98337
Suzanne Bottelli	98115
Alex Daye	98501
Carol Dudley	98367
Kelsey Fischer	98405

Name	Zip code
Fernando Pérez	98102
Pam Keeley	98118
Matthew Philbrook	99685
Josina Bohmer	98118
HALEEMA BHAROOCHA	98122
Chris Pollina	98155
Holly Chaffin	98027
Kristin Fontaine	98155
Andrea Marcos	98144
Beth Balas	98110
Christine Heller	15212
Clio McClure	90019
Katherine Dubois	98144
Ann Fontaine	97110
Kimberly Givens	98075
Samuel James	98226
Andrew Rozdilsky	98403
Leah Montange	98112
George Fine	98337
Catherine Parker	98107
Kate Gorton	01606
Matthew Schwartz	98103
Blanca Luthi	98006
Jen P	98133
Cynthia Sanchez	98104
Francisco Aguirre	97024
Rachel Spence	98105
Elmira Jangi	98007
Angela Jacobs	98121
Katherine Foy Huamani	98103

Name	Zip code
Aram Dagavarian	98103
Nancy Farrell	98406
Raven Alexander	98133
Lin Deats	33315
Ellen Notehelfer	98282
Adele Reynolds	98101
Star Murray	98405
William M.	98122
Karen Meisenburg	98407
Rebecca Allen	98122
Audrey Faunce	98225
Summer Montacute	98024
Margaret Celestino	98110
Martha Rickey	98902
Evelyn Melton	98074
Kasandra S.	98225
Sophie Morse	98370
Ariel Alon	98107
Devon Delena	98105
Adam Roca	98144
Jean Berolzheimer	98133
Shawnee Scott	98312
Michael Magrath	98070
Bob Zeigler	98501
Lyndsey Runyan	97211
Barbara Wool	98125
Amy Foerster	98503
Meredith Arena	98108
Jolinda Stephens	98405
Megan DeAngelo	98122
Dorothy Lower	98144

Name	Zip code
Paul Adler	98133
Linda Soto	98418
iea toner	98122
Jose Robles	98499
Angelica Chazaro	98144
Madeline Corbin	98122
Leah Coakley	98409
Deborah Mangold	98402
Shann Thomas	98108
Eliana Scott-Thoennes	98118
Judith Jones	98407
Meris Mullaley	98178
Robert Majure	97220
Jenna Riggs	98070
Julie Alley	90405
Carol Mooney	98126
Lisa Ashley	98110
Jeremy Buller	98118
Kristi Rozdilsky	98465
Angelina Godoy	98115
Yolanda Matthews	98103
Joanne Woiak	98107
Solana Loya-Lara	90032
Keshreeyaji Oswal	98416
Megan Capes	98405
Philip Kendall	98117
Jeffrey Banks	98284
Liliana Caracoza	98409
Judith Blair	98103
Bradley Thompson	98405
Michaela Wehner	98136

Name	Zip code
bill mallory	98368
Carol Regan	01844
Claudia Riedener	98405
Kevin Glackin-Coley	98406
Manuel Hernandez	98908
Carmetrus Parker	98404
Lulu Castagna	98225
Laura Hanks	97222-2325
Meghsha Barner	37216
Zoe Flanagan	97214
Thomas Filepp	97202
Ian Philabaum	97232
Kate Lundquist	97501
Joel Statz	97214
Pat Rumer	97232
Alexis Ball	97213
Amy F	97215
Helen Jaskoski	97206
Isabella Fernandez	97202
Quinn Calkins	97210
Nora Polk	97206
Marco Mejia	97214
Nancy LaPaglia	97215
Madelyn Elder	97217
Allan Wilson	97217
Martha Perez	97202
Tucker Bush-Kaufman	98418
Donlon McGovern	97211
Erika Takeo	97219
Hannah Clark	97211

Name	Zip code
Suzanne Cook	98125
Marilyn Burwell	97703
Gunnar Jaeck	98403
Holly Blomberg	98513
Gerson Robboy	97214
Renee Harger	97206
Ilana Rembelinsky	97239
Dee Sweeney	20707
Sarah Wiles	98405
Ann Zawaski	97211
Deborah Sposito	97232
Daniel Brown	97290
Maria Alcala	55106
Helena Benedict	98144
Caitlin Honn	98118
Lauren Tozzi	98103
Karen Hobson	98370
Carl Toews	98403
SUZANNE GROGAN	98033
Gabriela Benitez	60625
Vandana Whitney	98011
Sandra Carter	98374
Erica Price	97266
Leigh Barrick	98144
Loren Lemos	98403
Julie Preciado	97227
Kate Wackett	97214
James Kessler	98105
Pat Fletcher	98406
Cristy Murray	97045
Seth Tibbott	98650
Caroline Correa	98225

Name	Zip code
Megan Petrucelli	97230
Karla Puente	10400
Andrew Martin	98103
John Nettleton	97202
Rebecca Peterson-Perry	97215
Amelia Bjesse- Puffin	97217
judi chelotti	98407
Angeline Zalben	98177
Linda Myers	97219
Jesenia Maldonado	90042
Mary Shackelford	98070
MICHAEL LAFRENIERE	98406
Antonio Flores	98002
Jed Walsh	98144
Danny Cendejas	22003
Josef Minor	97214
Jana Jarosh	97215
Sarah Loose	97212
Joan Rue	97213
Lois Danks	98363
Amy Karp	11215
Barbara Phinney	98133
Christabel Escarez	98199
Judith Presson	98465
Hanny Daniels	97214
Pam McFarlin	97213
Stephanie Mullen	97214
Maru Mora	98225
Silky Shah	98225
Pam McCollum	97301

Name	Zip code
Cecil Prescod	97216
Alyssa Keller	97267
Chris Calarco	97213
Sophie Trauberman	90034-1936
Larry Knopp	98122
Tyler Wagner	97214
The Rev. Andrea Cano	97211
Carole Scholl	97215
Anna Wolff	98225
Jesse Taylor	98506
Sadie Holmes	97218
Eleanor Day	98248
celene okeson	97212
Liz Trojan	97219
Maralena Murphy	97213
Johanna Rayman	97211
Becky Krueger	98105
Joel Carlson	98516
Elizabeth Watts	11563
Demi Wetzel	98146
Molly Simon	97202
Melissa Tamminga	98264
Gwen Gaudefroy-Demombynes	98103
Carino Barragan	98144
Sierra Golden	98144
Catherine Carter	98232
Linda Theophilus	15235
Douglas Yarrow	97202
linda redenbaugh	92104
Luke Bowyer	97214

Name	Zip code
Ericka Martynovych	94122
Amina Rahman	97078
Janet Whitney	97701
Peter Strand	98144
Kathleen Saelor	94132
Jacqueline Rickert	98003
Kelsey Gray	97232
Jackson Millikan Esq.	98406
Andrea Dobson	97232
h rotstein	97213
Brian Huseby	98512
Gillian Butler	97213
Ellen Sollod	98122
Gail Durham	97229
Alaina McCallum	98102
Jennifer Whipple	98166
Maureen Woodcock	98592
Asya Pokrovskaya	98121
Diana Rempe	97217
Karen Price	98248
anne moses	98013
Judy McLean	97212
Emerald Goldman	97215
Elliott Night	94518
Josefina Mora	98225
April Lytle	98155
Denise Skeeter	90804
Jim Scott Goddard	98509
Madeline McClure	98368
Nancy Murphy	98070
Laina Mercer	98115

Name	Zip code
Kristi Apple	98374
Donna Richards	97232
Chris Smith	98118
Isela Ortiz	91764
Laura Wotring	46143
Peter Cervantes-Gautschi	97004
kora colasuonno	91607
Patricia Murray-Rutz	98223
Nikki Hurley	98115
Moreno Morenaje	06400
Taylor Rogers	98225
Hannah Lemberg	98125
zoe taylor	97222
Katherine McDowell	97232
Andrew Seidman	20910
Soya Jung	98118
Claudia Roberts	97211
Micah Kehrein	98144
Julie McCormick	98368
RICK KENDALL	98405-4027
James Hagen	98504
Orlando Arenas	85041
Lisa Halpern	98118
Lizzy Jansen	98115
Peter Sergienko	97210
Tim Richards	98146
Roger Chapanis	98075
Maria Perez	98284
Nicholas Jones	98115
Tom Mooney	97218
Barb Ray	80917

Name	Zip code
meri nimz	98070
Gaetane du Vair	98405
William Mace	98105
elizabeth bortz	98102
Katelyn Driskill	98405
Sophia Kortchmar	60615
Ruby Phillips	98102
Andreina Velasco	97206
Susanna Smith	98122
Victoria Leonard	98502
Elsa Johnson	97201
Bree Stern	60035
Sam Miller	97206
Anna Siqueira da Silva	97303
Caroline Bleckmann	97214
Andrea Casillas	77096
Judy McCoid	98026
Sharlee Blackwell	97302
Carmen Miravalle	98329
Steve Emmer	98370
Ann Cook	98110
Tarcisio Croppi	98395
Mira Conklin	97218
Olivia Tarlton	54313
Liisa Wale	98225
Jan Hobson	97360
Arianne Aquino	98502
Paul Brown	98115
Joy Smucker	98329
Isabel Sheridan	97232
Katherine Busz	98133

Name	Zip code
Sophie Bryer	97211
Phillipe Kenny	98505
Ann Uomoto	98144
Tracy Van slooten	98122
Christina Torres	91601
Dylan Quinn	98122
Ronald Beed	97208
Madeline McGee	98103
Grace Uomoto	98144
Laura Paxton	98122
Beth Hoover	97701
Ziadee Cambie4	98144
Ricky Hougland	98105
DJ Martinez	98122
Cyndi Swaney	97303
Linda Parrish	98444
Leslie Mccallum	98020
Chloe Sigal	70119
Leslie Cushman	98506
Kathy Garrett	97206
Norma Gonzales	97123
Pamela Selz	98340
Norma Gonzales	97123
Maria Cuevas	98902
nita perrine	98296
Deb Coddington	97324
Hillary J	98674
Monica Jouwsma	98674
matthew horwitz	98118
Sarah Kent	98112
Reed Ingalls	98052
Eva Trigueros	V7J 1P3

Name	Zip code
Shani Cate	98501
Catharine Links	98273
Travis Mann	98103
Julia Brice	98632
Sarah Morken	98406
Josh Goodwin	98406
Sabrina Bonus	98144
Kathleen Jeskey	97013
Lucas Ayenew	98502
Kate Dunphy	98102
Hez Wollin	98144
Victoria Matey	98225
everardo hernandez	98122
arianne curtis	98512
Bon Vernarelli	98125
Christine Kohnert	98274
Wendy Pantoja	98405
Robert Pierce	11221
Kathleen Holloway	97206
Jana Griffin	97217
Patricia Flores	98902
Scout McFall	98101
cara schwartz	98106
Scott Quering	96150
Mary Pandolfino	33701
Eric Stark	98232
Matsya Siosal	97233-5227
Greg Will	60608
Danbee Kim	98467
Julia Martin- Lombardi	98332
Ann Hargraves	97210

Name	Zip code
Allison Brinkhorst	97212
Per Bjesse	97217
Lesley Hoare	98331
adriana havana	11226
marylee chamberlain	98257
Peggy Ratermann	98233
Keaton Haire	97217
Jill Severson	97228
Patricia Pedersen	98112
Connie Kreider	80907
Nick Pritchard	98133
Margaret Hanson	97703
Chris Paine	98101
Anne Goldberg	97202
Diana Falchuk	98144
john newton hickox	97021
Sarah Koestler	98388
Diana Richardson	97239
Lip Betley	19805
Dian Alarcon	33138
Ruth Fast	60643
Apple Jannotta	98036
John Walker	98118
Felix Espinal	33137
Jeanne Bulla	98118
Joel Beinin	97210
Michealia Ahart	94803
Anya Harjung	19711
Cynthia Camlin	98273
karen nelson	98070
Michael mezanko	97219

Name	Zip code
Tara Fisher	98108
Susie MacPherson	97206
Erik Schmitz	97211
Rebecca Bramwell	98505
Lauren Miles	39759
Amanda DeShazo	98409
Lorena Gonzales	97123
Dana Brownfield	98405
Per Brolin	747 94
Miguel C	98444
Martha Davies	98409
Joli Hughes	98682
Alexander McIntyre	98226
Manvir Dhaliwal	98059
Nicole Bradford	98107
Kevin Shintaku	98444
Kendra Peterson	98106
Jack Smith	97239
Jack Mackie	98026
Claire Simon	98105
Sarah Butler	97217
Melissa Taylor	98115
Suca Petersen	98105
surya aguilar	98229
Sophia Hoffacker	98144
Diana Mena	98108
Katherine Niall	98110
swaneagle fitzgerald	98070
Alycia Ramirez	98034
William Pfeifer	98237
Heather Burns	98376

Name	Zip code
sarah kwan	98107
Ben Cody	98418
charlotte hughes	91711
Scott Odierno	98402
Jessica Ramirez	98118
Ricardo Gonzalez	98102
Kristen Beifus	98178
Melody Guzman	92252
Katherine Armitage	98122
Supriya Kang	98155
Priya Rai	98105
Karla Rixon	98408
Adrian Neri-Reyes	98148
Junga Subedar	98225
Cathleen bozek	98116
Sally Pfeifer	98237
Nancy Eitreim	98118
Emily Mirra	98108
Karhy Lawhon	98405
Raymond Dillon	98125
Bailey Toth	98103
Claudia Nawas	97124
Judy Greene	98117
Ani Chahal	98110
Rich Murphy	98070
Helen Taylor	98070
Emily Taylor	98199
Debra Daniels	98422
Elisabeth Parker	98407
Kelsen Caldwell	98144
judie fortier	98402
Marcia Horner	98503

Name	Zip code
Rina Herring	98125
Will Myers	98104
Michael Alcantara	98108
Natalie Gray	98103
Amanda Grondin	98368
Darin Peterson	98368
Barbara Cervantes- Gautschi	97004
Lynn Di Nino	98403
Dimitri Groce	98116
Kathleen Larson	98335
Katherine Jesch	97239
Claire Wilson	70117
Judy Lee	98117
Diane Mikhlin	98403
megan black	98102
Olga Solano	98248
Carissa Knipe	98107
Katherine Scott	98221
Lily Alexander	98103
Ben Rapson	98133
Hayley Lawson	98225
Dan Berger	98144
joel kawahara	98376
Vonda Lea Markstrom	97405
Susan Lane	98136
Jegg Coyne	98105
jeffrey kipilman	97212
Eliza Slater	98144
A G	98117
Alan Sutliff	98032
Lorraine Thomas	98118

Name	Zip code
A.D. Seigny	90126
Lin McJunkin	98238
Mary Baugh	98312
Kathy Becker	98014
Kate McClure	98001
Lise Kauffman	98103
Jessica Williams	98115
Brooke Winterling	98102
Deborah Purce	98144
David Winkler	98416
Shirley Scott	95066
Erik Kingfisher	98368
Kate Brunette	98118
Staci Castillo	98034
Emilie Buter	98144
Autumn Peterson	98368
Oriel Siu	98178
Joshua Woodburn	98144
christopher skaggs	98144
Heidi Erdmann	98444
Mary Beth Lochnicht	98037
John Vieira	98273
Michael Yolen	98146
Karen Mitchell	98221
Cheryl McRill	98273
Norm Conrad	98274
Jay Shepherd	98112
Colleen Thompson	98112
Jody Rauch	98107
Connie Vieira	98273

Emery, Nicole

From: Resistencia Solidarity <resistenciasolidarity@gmail.com>
Sent: Tuesday, April 25, 2017 2:52 PM
To: Inet- City Clerk
Subject: Written Comments for Public Hearing on Ordinance No. 28417
Attachments: Petition-609Signatures.pdf

Dear Doris Sorum,

Attached is a community petition written to the Mayor and City Council of Tacoma for consideration in the public hearing on Ordinance No. 28417.

Could you please confirm receipt?

Thank you!

-Northwest Detention Center Resistance

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City of Seattle

Edward Murray, Mayor

Seattle Human Rights Commission

April 24, 2017

Dear Mayor Strickland and Tacoma City Council,

The Seattle Human Rights Commission writes to urge that the City of Tacoma revoke permits for GEO Group, Inc due to ongoing, severe human rights violations at the Northwest Detention Center.

Seattle residents are deeply concerned about human rights violations reported at the Northwest Detention Center in Tacoma, as documented in the 2008 report by the Seattle University School of Law and OneAmerica titled *Voices from Detention: A Report on Human Rights Violations at the Northwest Detention Center*¹, which documents violations that separate Seattle families through detention and deportation.

The Northwest Detention Center also failed to address grievances that were documented by US Immigration and Customs Enforcement (ICE). A 2007 ICE report concluded that after an investigation of the Northwest Detention Center, “several grievances were not addressed in a timely manner.”²

Recent hunger strikes at the Northwest Detention Center have revealed due process violations, inhumane detention conditions, exploitation of detainee labor, and retaliatory use of solitary confinement against detainees requesting improvement in detention conditions.

During the 2010 Universal Period Review before the UN Human Rights Council, the United States committed to implement the recommendations to “ensure that detention centers for migrants and the treatment they receive meet the basic conditions and universal human rights law”³. This commitment is not being fulfilled at the Northwest Detention Center.

Private immigrant detention companies like GEO Group, Inc base their business model on government contracts that require maximum occupancy of facilities, earn further profits through extensive use of off-site monitoring systems like ankle bracelets, rely on increasing numbers of immigrants being incarcerated, subcontract basic services, and exploit detained immigrants. In 2014, the Seattle Human Rights Commission published a resolution calling for the City of Seattle to divest from the private detention industry, citing the serious human rights violations at the Northwest Detention Center⁴.

Privately owned enterprises performing specialized state functions – including GEO Group, Inc., should meet the same standards that states are held to by complying with all applicable laws, protecting and respecting human rights, avoiding infringement on the human rights of their detainees, and addressing human rights violations against their detainees when they occur.

¹ https://www.weareoneamerica.org/sites/default/files/OneAmerica_Detention_Report.pdf

² 2007 ICE Annual Review of NWDC, 19-21, (2007).

³ <https://www.humanrights.gov/wp-content/uploads/2012/03/USAcceptedRecommendations-2010UPR.pdf>

⁴ <https://www.seattle.gov/Documents/Departments/SeattleHumanRightsCommission/SHRCPrisonDivestmentResolution.pdf>

Due to the ongoing human rights violations that have come to light at the Northwest Detention Center, we strongly urge the Tacoma City Council to revoke the permits for Geo Group, Inc.

Sincerely,



Pauline Alvarado
Seattle Human Rights Commission Co-Chair



Marcel Baugh
Seattle Human Rights Commission Co-Chair



Jeremy Wood
Seattle Human Rights Commission Co-Chair

Emery, Nicole

From: Sarah Bishop <bishop.sarah@gmail.com>
Sent: Tuesday, April 25, 2017 3:22 PM
To: Inet- City Clerk
Subject: Letter for Tacoma City Council from Seattle Human Rights Commission
Attachments: Seattle Human Rights Commission Letter 4 25 17.pdf

Please see the attached letter to Mayor Strickland and the Tacoma City Council regarding Geo Group Inc.

If you have any questions, please do not hesitate to contact me at bishop.sarah@gmail.com

Thank you,

Sarah Bishop
Commissioner
Seattle Human Rights Commission

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**U.S. Immigration
and Customs
Enforcement**

April 24, 2017

Mayor Marilyn Strickland
Tacoma Municipal Building
747 Market Street
Tacoma, WA 98402

Dear Mayor Strickland:

I write to express the significant concerns of U.S. Immigration and Customs Enforcement (ICE) regarding Ordinance 28417, which amends Chapter 13.06 of the Tacoma Municipal Code (TMC) to ban the use of privately owned detention facilities. This action is clearly intended to prevent the operation of ICE's Northwest Detention Center (NWDC), a federal civil immigration detention facility continuously operated in Tacoma by the GEO Group, Inc. (GEO) since 2005.

At the outset, it appears that some misperceptions are animating Tacoma's changes to its zoning laws. In a February 24, 2017 letter you sent to GEO, you express "concern[] about the possible detention of individuals in violation of due process rights, the violation of the status of Deferred Action for Childhood Arrivals recipients and other established and relied upon Federal Immigration enforcement priorities." ICE wishes to go on record with the Tacoma City Council to make clear that neither GEO nor ICE violate the due process rights of immigration detainees housed at NWDC.

ICE manages a nationwide immigration detention system that makes use of a range of different facility types, including some which are owned by the Federal Government, some which are owned by state or local governments that have entered into Intergovernmental Service Agreements with ICE, and some which are privately owned and operated but under ICE's oversight and legal authority. Regardless of detention facility type, the detention authority at issue arises under federal immigration law, including 8 U.S.C. §§ 1225(b), 1226, and 1231. Sworn ICE officers make all arrest and custody decisions, and these decisions are subject to review by federal courts and immigration judges. Moreover, U.S. immigration law affords aliens subject to detention a substantial amount of process, including multiple avenues of relief from removal, the right to counsel in immigration court (at no expense to the government), the right to an interpreter in removal proceedings before an independent immigration judge, and the opportunity to appeal removal orders from an immigration court to the Board of Immigration Appeals and a federal circuit court of appeals. ICE detention facilities are closely regulated and monitored. The NWDC is subject to ICE's 2011 Performance-Based Detention Standards, which provide conditions tailored to the civil purpose of immigration detention while maintaining a safe and secure detention environment for staff and detainees. These facilities, which are

Mayor Strickland

Page 2.

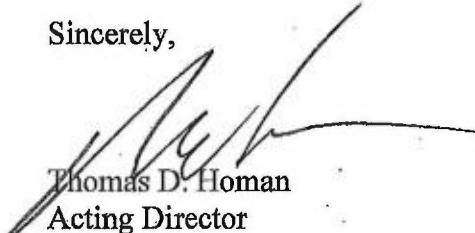
regularly inspected for compliance, provide medical and mental health screening and services, access to legal services and religious opportunities, recreation and visitation opportunities, a process for reporting complaints, and procedures to ensure access for detainees with limited English proficiency.

It is also important to underscore that immigration enforcement and the establishment of immigration enforcement priorities is within the purview of the Federal Government. Your February 24, 2017 letter to GEO demonstrates that Ordinance 28417 is rooted in the belief that the City of Tacoma has a role to play in assessing whether detention at NWDC somehow violates aliens' legal rights. While ICE certainly respects the City of Tacoma's role in our federated system of government, Tacoma's efforts to alter immigration detention decisions under the guise of a change in zoning policy manifests a lack of appreciation – or understanding – for ICE's role.

Additionally, Ordinance 28417 does not recognize the advantages of the NWDC and the benefits that can be gained from its expansion. The existence of the NWDC is in many ways beneficial to the detainees. The availability of a local detention facility means many detainees will be located near their families, counsel, and support networks. Likewise, expansion of the facility can benefit the detainees, as it can allow for additional space for enhanced medical and dental service areas, dining and dormitory spaces, attorney-client meeting rooms, immigration courtrooms and judges' chambers.

ICE would appreciate the opportunity to meet with you in advance of next week's Tacoma City Council meeting on April 25, to engage with city planning officials, and to speak before the Tacoma City Council, in an effort to answer questions and provide accurate information regarding ICE's mission and NWDC operations. We would also be pleased to host a visit by you and your fellow councilmembers to NWDC, so that we can demonstrate first-hand the superb work done by our personnel and contractors to ensure fair and humane treatment of aliens who are subject to detention under federal immigration law. If your office could contact Timothy S. Robbins, ICE's Acting Chief of Staff, at Timothy.S.Robbins@ice.dhs.gov, we can work with you on making the necessary arrangements. I would also be grateful if you could circulate this letter to the members of the Tacoma City Council, for their awareness. Thank you for your attention to this matter, and ICE looks forward to working with you to advance our shared goals of promoting public safety and the rule of law.

Sincerely,



Thomas D. Homan
Acting Director

Attachment E

Correctional Facilities Permanent Regulations Discussion Outline

(For Planning Commission Meeting, November 1, 2017)

Background

The City Council enacted interim regulations concerning correctional facilities in March 2017 and referred the matter to the Planning Commission. The Planning Commission forwarded a draft report to the City Council in April without a recommendation (Attachment A). After reviewing this report, holding a public hearing (the transcript is Attachment B), and reviewing written comments (Attachment C), the City Council retained and modified the interim regulations in May 2017 (Attachment D).

General Issue

Does the Planning Commission wish to go out for public comment simply on the current interim regulations or does the Planning Commission wish to add an alternative proposal or language that supplements the current interim regulations?

Specific Issues

Under the interim regulations:

- The public notice distance is in the highest zoning code category (1,000 feet) but could be expanded to be from the applicable zoning district boundary in order to provide more expansive notice; and
- An expansion of inmate capacity is to be processed as a major modification under TMC 13.05.080, but additional conditional use criteria could be added that are specific to correctional facilities, e.g. “a documented finding that the City of Tacoma is not being unduly burdened by a regional public facility need”.

Recommendation

The Planning Commission discuss these issues and ask for any necessary further staff work prior to its November 15, 2017 meeting, at which time a public hearing may be set.