

September 22, 2021

City of San Diego Independent Redistricting Commission

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RE: **CONSIDERATION OF INCARCERATED AND HOMELESS UNSHELTERED**— Politically Neutral Boundaries

Dear Honorable Chairman Hebrank, Honorable Vicechair Malbourgh, and Honorable Commissioners,

Thank you for the notice of the **Council District 5 Community Input Meeting, scheduled for: 5:30PM, Thursday, September 23, 2021.** Broadcast publicly available on Zoom [SEE: Information in Footer Below]

BACKGROUND & CONTEXT:

My recent letter of September 21, 2021, asked the Commission to give due consideration to the significant **INCARCERATED AND HOMELESS** populations in downtown, current Council District Three (D3).

I am unsure of how the Census and our City’s Redistricting Commission is handling and distributing two very significant populations. How are the **INCARCERATED AND HOMELESS** populations going to be allocated?? The **INCARCERATED AND HOMELESS** populations are particularly in Downtown San Diego [New Town]; because there are two (2) major incarceration facilities and many social service facilities located there in current Council District three (**D3**).

As you are aware current Council District Three (**D3**) is significantly overpopulated and must be reduced in size to get closer to the population equity rules. Here are the statistics from the Commissions Web site.

[2020 Census PRELIMINARY Population Table](#) and [2020 Census PRELIMINARY Population Map](#) indicates that current four Coastal Districts have population deviations as follow:

<u>CURRENT DISTRICT</u>	<u>POPULATION</u>	<u>DEVIATION</u>	<u>%DEVIATION</u>
<u>CURRENT DISTRICT 9</u>	145,293	(8,585)	-5.6%
<u>CURRENT DISTRICT 8</u>	148,991	(4,887)	-3.2%
<u>CURRENT DISTRICT 7</u>	159,168	5,290	3.4%
<u>CURRENT DISTRICT 6</u>	152,435	(1,443)	-0.9%
<u>CURRENT DISTRICT 5</u>	158,841	4,963	3.2%
<u>CURRENT DISTRICT 4</u>	144,895	(-8,983)	-5.8%
<u>CURRENT DISTRICT 3</u>	161,843	7,965	5.2%
<u>CURRENT DISTRICT 2</u>	146,905	(6,973)	-4.5%
<u>CURRENT DISTRICT 1</u>	166,534	12,656	8.2%

TABLE 1 - 2020 Census PRELIMINARY Population Table DESCENDING ORDER

Today’s. Union Tribune Newspaper had an informative article by journalist Ms. Kristina Davis entitled: **Downtown S.d. private prison to stay open despite Biden order Facility operator looking for**

way to work around president's mandate. This article, copied below, increased my earlier estimate of some 3,000 D3 incarcerated persons to some 4,000.

Current Council District Three (D3) also has a very large unsheltered population which must be considered. (I am uncomfortable with the politically and class charged term: "HOMELESS")

Both these populations are our Brothers and Sisters and must be treated with respect and equity; regardless as to whether they pay rent or lifestyles. I recommend consideration of **LUKE 16 19:31.**



Figure 1 Lazarus on the rich doorstep

RECOMMENDATIONS TO CONSIDER AND RESEARCH:

1. That the attribution of **INCARCERATED AND UNSHELTERED** populations be carefully considered; and
2. That when boundaries for the area currently designated as Council District Three (D3) are determined that the conformance to the population goal be on the low or under populated side to fully account for these Sister and Brother residents of this new District.

CONCLUSION:

Thank you for considering this testimony calling for an initial politically neutral starting off redistricting method based on natural features, historic, residential, and economic patterns. This testimony is consistent with my earlier letters are herein incorporated by reference. I look forward to presenting oral testimony on the matters presented in this letter, at the Commission's Special meeting of September 23, 2021 and its future meetings. Please place all of my letters into the Commission's record

All the best,

/s/

John Stump, resident, property owner, and taxpayer in current Districts Four (D 4) and Nine (D 9)

“Downtown S.d. private prison to stay open despite Biden order Facility operator looking for way to work around president’s mandate” By Kristina Davis

A 770-bed federal detention center in downtown San Diego was supposed to close next week, the result of an executive order by President Joe Biden for the federal criminal justice system to gradually sever ties with for-profit, private prisons.

But the Western Region Detention Facility has now been given a six-month reprieve — and negotiations are apparently under way with a town 250 miles away to keep the facility open for much longer in a work-around to the executive order.

The GEO Group, which operates the San Diego facility in the old county jail, on Tuesday announced the six-month extension to its two-year contract with the U.S. Marshals Service, which was set to expire Sept. 30. The announcement does not give a reason for the extension. Neither the Marshals Service nor The GEO Group, which is based in Florida, responded to questions Tuesday.

The facility houses mostly pre-trial defendants charged with federal crimes.

Privately operated facilities have been on notice since January, when the executive order prohibited the Justice Department from renewing any contracts with private prison companies as a step toward decreasing incarceration levels and prioritizing rehabilitation. The executive order also notes 2016 findings by the DOJ’s Office of Inspector General that privately operated detention facilities “do not maintain the same levels of safety and security.”

But some detention centers are hoping to stay open by using local governments as intermediaries in the contracting process.

For the San Diego facility, that middleman may be the city of McFarland, a small — population 16,000 — cash-strapped municipality located in Kern County.

In August, according to a City Council agenda, McFarland’s city attorney recommended the city pursue negotiations to enter into an intergovernmental operating contract with the Marshals Service. The city would then subcontract the services to The GEO Group.

For its efforts, McFarland would be paid a \$500,000 administrative fee, which the city manager notes “could generate new revenue for the city,” according to public records. It was not clear who would pay the fee. McFarland’s acting city manager, who is also the police chief, did not return a voicemail seeking comment.

On Tuesday, California’s three affiliates of the American Civil Liberties Union sent a letter to the White House urging the Biden administration “to defeat these blatant efforts to strip the Executive Order of any meaningful impact.”

“Rather than permit GEO to use the next six months to cement the fate of the Executive Order as a dead letter, the Administration should use this opportunity to wind down GEO’s involvement at WRDF entirely,” the letter states.

While the ACLU sees a McFarland-type deal as violating the president’s executive order, GEO says “various alternative contracting structures” would allow the Western Region facility to stay open in compliance with the order.

“Whether they can or cannot seems to be an open question,” ACLU senior staff attorney Bardis Vakili said in an interview.

A similar deal has already kept Marshals Service detainees in place at one private facility, the ACLU notes. In March, the Marshals Service was given a 90-day extension on its contract with CoreCivic, another private prison company, to house federal detainees at the Northeast Ohio Correctional Center — which also houses state and county inmates. In May, the Marshals contracted operations with Mahoning County in Ohio, which subcontracted with CoreCivic.

Vakili said handing operations over to a city as far away as McFarland, with no ties to San Diego, presents an accountability issue.

“If the city or county of San Diego decides to operate a facility in its neck of the woods, the people who elected those folks can then go to the ballot box to say if they are satisfied or dissatisfied,” Vakili said. “But a town 250 miles north makes a decision, and our voters don’t get to hold them accountable? That creates a very dangerous precedent.”

In its announcement Tuesday, GEO argued it was best positioned to continue as the facility’s operator and that closing the detention center completely would cause federal pre-trial detainees to be incarcerated farther away from court, attorneys and family in San Diego.

San Diego has two other federal detention facilities: Otay Mesa Detention Center is run by CoreCivic and is also subject to the executive order, while the Metropolitan Correctional Facility in downtown San Diego is operated by the government’s own U.S. Bureau of Prisons.

All three facilities have been criticized for their handling of the COVID-19 pandemic and accused of failing to implement stringent preventative measures, including cleaning protocols, masks and social distancing. Bed space has been limited to some degree to reduce crowding, and the federal court has worked with prosecutors and defense attorneys to reduce pre-trial and post-conviction incarceration in certain low-level, non-violent cases.

Separate from the executive order, a San Diego federal judge in October largely upheld a California law that bans the use of private prisons for civil immigration detention, but her ruling also carved out an exception allowing such facilities to continue to house Marshals detainees. The ruling is under appeal.

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