

Item 10.M: Incarcerated People & Redistricting (Federal Custody)

RECOMMENDED ACTION:

When carrying out its redistricting responsibilities under Article XXI of the California Constitution, the Citizens Redistricting Commission shall remove the number of people incarcerated in federal custody in California as of April 1, 2020, from the institution of their incarceration. Because their last known place of residence was not released by the Federal Bureau of Prisons, incarcerated people that were enumerated in Federal prisons will not be redistributed to another area in California.

Background:

Per Elections Code Section 21003(d)(1), the Legislature requested the Citizens Redistricting Commission do the following: “Deem an inmate incarcerated in a state correctional facility for whom the last known place of residence is either outside California or cannot be determined, or an inmate in federal custody in a facility within California, to reside at an unknown geographical location in the state and exclude the inmate from the population count for any district, ward, or precinct.”

On January 12, 2021, the Commission adopted the Legislature’s request related to incarcerated people in the California state correctional facilities. However, the Commission did not take formal action to address incarcerated people in federal facilities within California. As discussed during that meeting and as Aleks Kajstura from the Prison Policy Initiative explained, at this time it does not appear to be possible to get detailed data about Federal inmates. Further, the Legislature recently confirmed that the Federal Prisons Bureau has so far been unwilling to provide residency data for the inmates in federal custody in California.

However, per Karin Mac Donald with the Statewide Database, they were able to receive some data from the Federal Bureau of Prisons but, as expected, there was no detail about previous addresses, so a reallocation of incarcerated people for that population will not be possible. Below is the information they received which is a breakdown of the California federal prison population for April 1, 2020. We have noted the county in parenthesis.

USP Atwater (Merced) – 1,114
FCI Dublin (Alameda) – 1,166
FCI Herlong (Lassen) – 1,031
FCI Lompoc (Santa Barbara) – 1,277
USP Lompoc (Santa Barbara) – 1,501
MDC Los Angeles (Los Angeles) – 594
FCI Mendota (Fresno) – 802
MCC San Diego (San Diego) – 893

FCI Terminal Island (Los Angeles) – 1,099
FCI Victorville I (San Bernardino) – 1,298
FCI Victorville II (San Bernardino) – 1,396
USP Victorville (San Bernardino) – 1,330
Taft CI (Kern) – 993
(Taft CI is a contracted correctional institution, operated by a private corporation.)

Total # of Federal Inmates on April 1, 2020: **14,494**

Prison gerrymandering is generally concerned with the artificial inflation of populations in districts. In other words, it is concerned with inmates in correctional institutions being used to drive up district populations. For the federal facilities, we will be able to remedy the artificial inflation of populations problem on the originating end (the census block with the Federal facility in it), but we will not be able to reallocate inmates to their last known address. In sum, we would remove 14,494 persons (less than 0.05% of the state's total population) from the geographies where they were enumerated, but they would not be distributed throughout the state.

Future Action:

As recommended in our January 12, 2021, Commission meeting, we continue to recommend the issue of federally incarcerated people in California be added to the 2020 Lessons Learned to be addressed further with the Federal Bureau of Prisons to discuss the need to obtain the prior known residences of federal inmates that are incarcerated in California federal prisons/detention agencies.