

From: [REDACTED] (USMS)
Sent: Thu, 24 Jun 2021 03:23:01 +0000
To: [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED];
 (USMS); [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS);
 (USMS); [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS);
Cc: [REDACTED] (USMS); [REDACTED] USMS; [REDACTED] USMS; [REDACTED] (USMS);
 [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS);
Subject: SWB Weekly Conference Call

SWB Conference Call – Please make sure that someone is covering you on the call if you cannot attend.

Good afternoon, we are switching our meeting format to Skype effective today at 2:00 pm ET.

Thank you

[Join Microsoft Teams Meeting](#)

[Learn more about Teams](#)

From: (b)(6), (b)(7)(C), (b)(7)(F) USMS)
Sent: Thu, 10 Feb 2022 00:43:47 +0000
To: CAS-ALL (USMS)
Subject: S/CA travel restriction
Importance: High

All,

With the potential closure of GEO-San Diego on 3/31/22 quickly approaching **we will be restricting ALL travel outside the district from 3/15/22-4/15/22.** We still do not know the final status of GEO and we must prepare to be able to move large quantities of inmates out on short notice if the White House so directs us. Due to this, we will ask all Operational staff to remain in district to assist during the dates listed above. This is all subject to change, and potentially be expanded to a larger period of time if we feel it is necessary. We will do our best to advise on the status of GEO as we hear more in the coming weeks and months. Thanks (b)(6), (b)(7)(C), (b)(7)(F)

(b)(6), (b)(7)(C), (b)(7)(F)
Chief Deputy
U.S. Marshals Service
Southern District of California
(b)(6), (b)(7)(C)

From: (b)(6); (b)(7)(C); (b)(7)(F) USMS)
Sent: Wed, 26 Jan 2022 17:23:59 +0000
To: (b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
(USMS)
Subject: RE: USM (b)(6); (b)(7)(C)

Yes well look into moving. As you know we are still in the air with a possible closure to GEO and we are going to strongly need all our local female housing to assist. Any extra medical services your facility could provide to increase your inmate population and keep them there is really appreciated.

Thank You!

(b)(6); (b)(7)(C); (b)(7)(F)
Deputy US Marshal
S/CA San Diego
Ph: (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C) @chulavistapd.org>
Sent: Tuesday, January 25, 2022 10:01 PM
To: (b)(6); (b)(7)(C); (b)(7)(F) USMS) (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
(b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>; (b)(6); (b)(7)(C); (b)(7)(F) <ndecelles@chulavistapd.org>
Cc: (b)(6); (b)(7)(C); (b)(6); (b)(7)(C) @chulavistapd.org>; (b)(6); (b)(7)(C) kasalas@chulavistapd.org>; (b)(6); (b)(7)(C) @chulavistapd.org>; (b)(6); (b)(7)(C) @chulavistapd.org>
Subject: [EXTERNAL] USM (b)(6); (b)(7)(C)

Deputies -

After consulting with my PAs today we are going to have to ask for the transfer of above listed inmate. Unfortunately, she presents for some (b)(6); (b)(7)(C) management not available at our facility. USM (b)(6); (b)(7)(C) came from Geo with the last round on 1/18. Please let me know what the best option is for her transfer out as soon as practical.

Thank you -

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)
Chula Vista Police Department Jail DETENTION FACILITY MANAGER/ JAIL COMMANDER
Chula Vista City Jail
315 Fourth Ave
Chula Vista CA 91910
(b)(6); (b)(7)(C) DESK
(b)(6); (b)(7)(C) FAX
(b)(6); (b)(7)(C) JAIL MAIN

From: (b)(6); (b)(7)(C); (b)(7)(F) USMS)
Sent: Wed, 30 Jun 2021 17:33:25 +0000
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Cc: (b)(6); (b)(7)(C); (b)(7)(F) USMS (b)(6); (b)(7)(C); (b)(7)(F) USMS (b)(6); (b)(7)(C); (b)(7)(F) USMS (b)(6); (b)(7)(C); (b)(7)(F) USMS)
Subject: Re: Sir, this is what is on our drawdown report.

10-4 he already called us.

Thank You!

(b)(6); (b)(7)(C); (b)(7)(F)
District of Southern California
Ph (b)(6); (b)(7)(C); (b)(7)(F)

On Jun 30, 2021, at 10:32 AM, (b)(6); (b)(7)(C); (b)(7)(F) USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov> wrote:

This guy is going to call (b)(6); (b)(7)(C); (b)(7)(F)

From: (b)(6); (b)(7)(C); (b)(7)(F) USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Sent: Wednesday, June 30, 2021 10:19 AM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (b)(7)(F) USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Subject: Sir, this is what is on our drawdown report.

Sir, this is what is on our drawdown report.

Western Region Detention Facility

Expiration Date: 9/30/2021

District: Southern District of California

District Population in the Facility: (629)

Designated Population in the Facility: (16)

Current Prisoner Movement Plan:

- Orange County Jail (C/CA) (150) female beds – approximately 80 miles one-way.
- Santa Ana City Jail (C/CA) (150) beds – approximately 80 miles one-way.
- Routine bus trips to (b)(7)(E) removing post sentenced prisoner populations in-district.
- FCI Victorville, 800 beds needed.

Challenges:

- FCI Victorville is 3 hours, one-way.
- Complex prisoner populations: (b)(7)(E)
- Additional funding and demand for transportation and guards.

(b)(6), (b)(7)(C), (b)(7)(F)

Senior Inspector

Prisoner Operations Division

(C)

(b)(6), (b)(7)(C)

(O)

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Sent: Thu, 3 Jun 2021 23:33:16 +0000
To: (b)(6); (b)(7)(C); (USMS)
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Subject: RE: Short Turn Around Task - Private Facility Drawdown 04032021 (002)

No change to the plan. Below are the updates to the facility count.

1. Facility Name/Drawdown Date
 - Western Region Detention Facility (Option/Expiration: 9/30/21)
2. District
 - Southern California
3. District population in the facility
 - 617
4. Population that has been designated in the facility
 - (b)(7)(F)

From: (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(F) @usms.doj.gov>
Sent: Thursday, June 3, 2021 3:03 PM
To: (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(F) @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
(b)(6); (b)(7)(C); @usms.doj.gov>
Subject: FW: Short Turn Around Task - Private Facility Drawdown 04032021 (002)

Guys,

Sorry for asking these questions at the last minute, but could you provide the information requested below either today or tomorrow before 10:30 am EST tomorrow?

I will grab numbers from Capture to compare. If your drawdown plans have changed or something new has come up please let me know. If you can not provide information in that time frame let me know as well.

I have been informed that we are getting the information solely for logistics in case of the worst case scenario. Let me know if you have any questions. Thank you and stay safe.

(b)(6); (b)(7)(C); (b)(7)(F)
Senior Inspector
Prisoner Operations Division
United States Marshals Service
(b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>
Sent: Thursday, June 3, 2021 4:18 PM
To: (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>
Subject: Short Turn Around Task - Private Facility Drawdown 04032021 (002)

(b)(6);
(b)(7)(C);

We are going to need to update this overall drawdown report information below as requested by the Front Office. This should be an update to the numbers as well as any additional updates or changes to the plan details (movement/ challenges) if they have changed. Please get me updated information from the districts for the facilities below by 11:00 am tomorrow. Sorry for the short turn around:

(b)(6); (b)(7)(C); please work on:

Willacy County Regional Detention Facility

Drawdown Date: 9/30/2021

1. **District:** S/Texas
2. **District Population in the Facility:** 620
3. **Designated Population in the Facility:** 3
4. **Current Prisoner Movement Plan:** District is working with the Cameron County Sheriff to use about 200 beds that are unused at his facility. The Sheriff has a staffing / funding issue that the county is trying to resolve at the jail, so it is unknown when the beds will be available for our use. Cameron County is requesting a per diem increase that

(b)(5) Deliberative Process Privilege

5. **District Challenges:** If Cameron County is unable to hire enough staff to operate the

(b)(5) Deliberative Process Privilege; (b)(7)(E)

6. District Response to BOP Proposed Facility Beds (FCI Three Rivers): The

(b)(5) Deliberative Process Privilege; (b)(7)(E)

Western Region Detention Facility

Drawdown Date: 9/30/2021

1. District: S/California

2. District Population in the Facility: 508

3. Designated Population in the Facility:

4. Current Prisoner Movement Plan:

- Orange County Jail (C/CA) has agreed to house 200 males after May 2021. An IGA already exists.
- Santa Ana Jail (C/CA) has agreed to house 100 males. An IGA already exist.
- We have reached out to the following and will update on responses: (b)(7)(E)
(b)(7)(E)
- Victorville houses pretrial inmates for S/CA with (b)(7)(E) Security and Investigation (b)(7)(E) transporting. Increasing population there would require more support from (b)(7)(E)
- We currently are moving post sentenced inmates to CCA Central Arizona.
- We also performing occasional JPATS bus trips to (b)(7)(E)
(b)(7)(E)

5. District Challenges:

a.

b.

c.

(b)(5) Deliberative Process Privilege; (b)(7)(E)

6. District Response to BOP Proposed Facility Beds (FCC Victorville): The Southern District of California currently houses prisoners at the Western Region Detention Facility, Otay Mesa Detention Center, El Centro Detention Center, and the San Luis Detention Center. Using BOP Victorville as a solution to housing all S/CA private facility prisoners, provides the following issues:

- a. During the temporary COVID restrictions and reductions, the average daily prisoner population at these facilities are approximately 1,650. During the time period prior to COVID, all S/CA available detention beds in private facilities were completely full. When all S/CA current private detention beds are full, the average daily prisoner population at these facilities is over 2,300.

b.

(b)(7)(E)

c.

d.

(b)(5) Deliberative Process Privilege; (b)(7)(E)

e.

f. The prisoners will stay in (b)(7)(E) and then transported (b)(7)(E) back to the Victorville facility. They will be provided with BOP bagged sandwiches for breakfast, lunch, and dinner.

g.

(b)(5) Deliberative Process Privilege; (b)(7)(E)

h.

Otay Mesa Detention Center

Drawdown Date: 12/19/2021

1. **District:** S/California
2. **District Population in the Facility:** 486
3. **Designated Population in the Facility:**

El Centro Detention Facility

Drawdown Date: 12/22/2021

1. **District:** S/California
2. **District Population in the Facility:** 388
3. **Designated Population in the Facility:**

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Sent: Fri, 10 Sep 2021 13:42:36 +0000
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Subject: RE: Prisoner Transportation Services - Please Review For Concurrence

10-4... quick question:

Was Western Region or any other transportation services already facilitating the round trip court transports to and from Santa Ana Jail? (b)(7)(E)

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Sent: Thursday, September 9, 2021 7:31 PM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Subject: RE: Prisoner Transportation Services - Please Review For Concurrence

Yes

We would need (b)(7)(E) court run roundtrip from Santa Ana Jail 62 Civil Center Plaza, Santa Ana, CA 92701 to USMS District office located at 333 West Broadway, San Diego, CA 92101.

I believe that is it.

Thank You!

(b)(6); (b)(7)(C); (b)(7)(F)
Deputy US Marshal
S/CA San Diego
Ph: (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Sent: Thursday, September 9, 2021 4:21 PM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Subject: Re: Prisoner Transportation Services - Please Review For Concurrence

Do you anticipate any other transportation needs for the district?

So, what I will do for port of entry is include your language as it relates to (b)(7)(E) to the USMS office and also include to (b)(7)(E) even though there is a limitation for now.

(b)(6); (b)(7)(C); (b)(7)(F)
Assistant Chief
USMS-HQS-POD-ODO
(b)(6); (b)(7)(C); (b)(7)(F) @usdoj.gov

(b)(6); (b)(7)(C);
(b)(7)(F)

On Sep 9, 2021, at 6:58 PM, (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov> wrote:

Chief (b)(6);
(b)(7)(C);

I made a caveat under the first bullet point. We found out that until the COVID quarantine restrictions are lifted (b)(7)(C) cannot intake unvaccinated individuals because they would very quickly run out of quarantine room. Once the restrictions are lifted the first bullet point would be the task we need.

Thank You!

(b)(6); (b)(7)(C);
(b)(7)(F)

District of Southern California

Ph (b)(6); (b)(7)(C)

Begin forwarded message:

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Date: September 9, 2021 at 1:14:03 PM PDT
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>, (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>, (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Subject: Prisoner Transportation Services - Please Review For Concurrence

All

POD is in the continuous process of updating our Sources Sought Notice to vendors to service your districts transportation needs. Please confirm the following at your earliest availability and or add any missing locations where you would need transportation services. Please add the missing information highlighted below:

- (b)(7)(E) transportation services for the pick up of prisoners (b)(7)(E) from the custody of the Department of Homeland Security (Customs) Port of Entry located in 720 East San Ysidro Blvd., San Ysidro, CA and transported to (b)(7)(E) (b)(7)(E)
- (b)(7)(E) transportation to and from Central Valley Annex located at 254 Taylor Ave., McFarland, CA 93250 and the USMS District office located at 333 West Broadway, San Diego, CA 92101.

- (b)(7)(E) transportation to and from BOP FCI Victorville facility located at 13777 Air Expressway Blvd., Victorville, CA 92394 and the USMS District office located at 333 West Broadway, San Diego, CA 92101.
- Transportation to and from (USMS District office located at 333 West Broadway, San Diego, CA 92101, CCA Otay Mesa Detention Facility located at 446 Alta Rd., San Diego, CA 92158) for JPATS airlift airport site located at (b)(7)(E)

Thank you

(b)(6); (b)(7)(C); (b)(7)(F)

Assistant Chief

USMS-HQS-POD-ODO

(b)(6); (b)(7)(C); @usdoj.gov

(b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Sent: Thu, 9 Sep 2021 23:20:38 +0000
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Subject: Re: Prisoner Transportation Services - Please Review For Concurrence

Do you anticipate any other transportation needs for the district?
So, what I will do for port of entry is include your language as it relates to (b)(7)(E) to the USMS office and also include to (b)(7)(E) even though there is a limitation for now.

(b)(6); (b)(7)(C); (b)(7)(F)
Assistant Chief
USMS-HQS-POD-ODO
(b)(6); (b)(7)(C); (b)(7)(F) @usdoj.gov
(b)(6); (b)(7)(C)

On Sep 9, 2021, at 6:58 PM, (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov> wrote:

Chief (b)(6); (b)(7)(C); (b)(7)(F)

I made a caveat under the first bullet point. We found out that until the COVID quarantine restrictions are lifted (b)(7)(E) cannot intake unvaccinated individuals because they would very quickly run out of quarantine room. Once the restrictions are lifted the first bullet point would be the task we need.

Thank You!

(b)(6); (b)(7)(C); (b)(7)(F)
District of Southern California
Ph (b)(6); (b)(7)(C)

Begin forwarded message:

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Date: September 9, 2021 at 1:14:03 PM PDT
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>, (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>, (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Subject: Prisoner Transportation Services - Please Review For Concurrence

All

POD is in the continuous process of updating our Sources Sought Notice to vendors to service your districts transportation needs. Please confirm the following at your earliest availability and

or add any missing locations where you would need transportation services. Please add the missing information highlighted below:

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- (b)(7)(E) transportation to and from Central Valley Annex located at 254 Taylor Ave., McFarland, CA 93250 and the USMS District office located at 333 West Broadway, San Diego, CA 92101.
- (b)(7)(E) transportation to and from BOP FCI Victorville facility located at 13777 Air Expressway Blvd., Victorville, CA 92394 and the USMS District office located at 333 West Broadway, San Diego, CA 92101.
- Transportation to and from (USMS District office located at 333 West Broadway, San Diego, CA 92101, CCA Otay Mesa Detention Facility located at 446 Alta Rd., San Diego, CA 92158) for JPATS airlift airport site located at (b)(7)(E) (b)(7)(E)

Thank you

(b)(6); (b)(7)(C); (b)(7)(F)

Assistant Chief

USMS-HQS-POD-ODO

(b)(6); (b)(7)(C); @usdoj.gov

(b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Sent: Tue, 6 Jul 2021 15:07:25 +0000
To: (b)(6); (b)(7)(C); (b)(7)(F) USMS)
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Subject: Re: POD Drawdown Meeting

We weren't invited by POD but Chief (b)(6); (b)(7)(C); (b)(7)(F) had asked us to be available for it.

(b)(6); (b)(7)(C); (b)(7)(F)
District of Southern California
Pl (b)(6); (b)(7)(C)

On Jul 6, 2021, at 8:05 AM (b)(6); (b)(7)(C); (b)(7)(F) USMS) (b)(6); (b)(7)(C) @usms.doj.gov> wrote:

Were you guys included on the noon call with POD re Geo drawdown?

(b)(6); (b)(7)(C); (b)(7)(F)
Assistant Chief Deputy U.S. Marshal
USMS – Southern District of California

333 West Broadway, Suite 100
San Diego, CA 92101

(b)(6); (b)(7)(C) cell)
(b)(6); (b)(7)(C) desk)

From: (b)(6); (b)(7)(C); (USMS)
Sent: Fri, 20 Aug 2021 21:02:19 +0000
To: (b)(6); (USMS)
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Subject: RE: POD Daily News Clips 8/20/2021

Well it's a long shot but hopefully it goes through.

(b)(6); (b)(7)(C);
(b)(7)(F)
Deputy US Marshal
S/CA San Diego
Ph: (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov>
Sent: Friday, August 20, 2021 1:43 PM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
(b)(6); (b)(7)(C); @usms.doj.gov>
Subject: FW: POD Daily News Clips 8/20/2021

I am sure you all know about this, but just in case you haven't.

From: (b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov>
Sent: Friday, August 20, 2021 1:50 PM
To: (b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov>
Subject: FW: POD Daily News Clips 8/20/2021

Thought you may want to see this.

Subject: POD Daily News Clips 8/20/2021

Border crossings hit a new 21-year record with 212,672 migrants encountered in July

Alejandro Mayorkas announced on Thursday that Customs and Border Protection (CBP) encountered more than 212,000 migrants along the U.S.-Mexico border in July – yet another staggering increase as the border crisis prevails. ‘Allow me to share with you the CBP enforcement numbers for July – 212,672 persons were encountered attempting entry along the southwest border, a 13 per cent increase over June 2021.’ The new figures are a 21-year month high for encounters and nears the 1 million mark as the encounter count hits 934,257 when counting the data between February and July. In June, CBP reported it encountered 188,829 illegal immigrants at the border, which was the previous decade-long high before this month's figures were released.

Read More: <https://texasnewstoday.com/border-crossings-hit-a-new-21-year-record-with-212672-migrants-encountered-in-july/411448/>

McFarland pursuing agreement with U.S. Marshals to keep private prison in San Diego open (Wester Region Detention Facility: S/CA – USMS Prisoner Population 595)

The city of McFarland is pursuing an agreement with the U.S. Marshals Service that would keep a 770-bed private prison in downtown San Diego from closing. The financially-strapped city would earn \$500,000 through the agreement. In return, the Marshals Service would be able to hold detainees at the site past Sept. 30, when its contract with operator GEO Group Inc. is set to expire. In a unanimous vote Wednesday, the McFarland City Council voted to pursue the project. The vote puts McFarland once again in the middle of a nationwide debate over private prisons and immigrant detention. The city is used to being in the middle of the political firestorm. It was instrumental in allowing the Mesa Verde ICE Processing Center in Bakersfield to open. The facility recently opened two "annexes" in McFarland, which were converted from two private prisons that had previously held state inmates. All three facilities are run by GEO.

The company claims its San Diego site, the Western Region Detention Facility, does not hold immigrants accused of entering the country illegally. However, community advocates say some immigrants have been held at the location, and they worry more could be detained there if it is allowed to remain open. "GEO has been pretty effective in keeping it under the radar, almost nonexistent," said Adriana Jasso, a program coordinator with advocacy organization American Friends Service Committee. "For us to find out, it took a lot of asking and searching." She said her brother was held at Western Region for an immigration violation for three months before he was deported to Mexico. "It was devastating, but it's consistent with what we see," she said. "I think it's because they have done such a good job of keeping it unnoticeable that there is not enough pushback from the general population yet." Without the agreement with McFarland, or potentially another municipality, Western Region is at risk of closure. President Joe Biden signed an executive order in January barring the Department of Justice from renewing contracts with private detention facilities. As a bureau of the DOJ, the Marshals Service is unable to renew its contract with GEO, which will expire in little over a month. However, the Marshals Service can indirectly contract with GEO through a municipality, in an arrangement known as an intergovernmental agreement.

McFarland previously held an intergovernmental agreement with U.S. Immigration and Customs Enforcement, which allowed the agency to operate Mesa Verde in Bakersfield. The city canceled the agreement in 2018 after an investigation by the California State Auditor and Attorney General found multiple deficiencies and a lack of oversight at Mesa Verde. The Auditor's Office said in a report that McFarland and other cities had failed to properly oversee the detention facilities they administered. GEO was the subject of fierce criticism last year after more than half of its detainees at Mesa Verde tested positive for coronavirus. ICE later directly contracted with ICE to keep Mesa Verde open. The company is also suing Gov. Gavin Newsom and the state of California to overturn a state law that prohibits private prisons in the state. "As the California State Auditor has found, the federal government has entered into similar contracts with municipalities in California, including McFarland, for the sole apparent reason of evading federal procurement laws," American Civil Liberties Union of Southern California Policy Advocate Rosa Lopez wrote in an email to The Californian. "This kind of contracting arrangement serves no legitimate governmental purpose."

In a phone interview, she said the new proposal caught the ACLU off guard, and they were still trying to understand what it could mean. Officials from both the city of McFarland and San Diego did not respond to multiple requests for comment. A representative for the U.S. Marshals also did not answer questions about a potential intergovernmental agreement. Although GEO did not respond to questions from The Californian, Senior Vice President David Venturella told the McFarland City Council on Wednesday the U.S. Marshals had "run out of options." "They do desire to keep the facility operational," he said. "It supports a very critical federal law enforcement mission in southern California. In the past, McFarland has come under fire for its relationship with GEO. Last year, the city's Planning Commission initially denied a permit application from GEO that would allow the company to convert the two state prisons in the city into immigrant detention facilities. However, the council overturned the denial despite hundreds of community members protesting the decision. Any agreement with McFarland would ultimately have to be approved by the White House, giving some advocates hope this effort will ultimately fail. Still, GEO must first secure the agreement with McFarland before it can think about Washington D.C. "We just want to set expectations," Venturella told the council, "that this is just the beginning of the process." Source: https://www.bakersfield.com/news/mcfarland-pursuing-agreement-with-u-s-marshals-to-keep-private-prison-in-san-diego-open/article_516f9208-0142-11ec-9302-0b4933c400b6.html

One of Akron's "most dangerous individuals" on run after funeral

For reasons unknown, the judge allowed Joe Fletcher to leave prison with his mother – no guards, no GPS. He was supposed to return to prison, but he did not.

AKRON, Ohio — He was once called one of Akron’s most dangerous individuals. A man who brazenly took to Facebook Live, once from his prison cell to brag about a murder and another to urge the killing of police. Today, that man is free, on the run after a judge released him from jail – without any security measures – to attend his daughter’s funeral. It’s a story federal authorities aren’t talking about but one that 3News Investigates Rachel Polansky is breaking with exclusive inside details. Akron’s own Joe Fletcher III is a career criminal with a flair for social media and gun violence. He went viral in 2018 when he took to Facebook Live, from inside an Atlanta prison, declaring himself the king and taking credit for a murder. “What happened happened, the streets is the streets,” Fletcher said on the Facebook live. “Everyone know I did it, I did it yeah.”

Akron Police had already labeled him one of the city’s “most dangerous individuals” for his history of drug trafficking and gun possession. After he was paroled, he was arrested in 2019 for beating his girlfriend. And a fed up judge ordered him to leave Ohio. But police say Fletcher was back in the Buckeye State last year, leading police on a high speed chase. Again, he took to Facebook as police closed in. “Look, if the police come, f*** the police, I’m shooting them,” Fletcher said in the Facebook live. “If them b****es at the end of these woods, I’m shooting at those b****es.” Fletcher was jailed without bond when his young daughter died this month. He asked Federal Judge Solomon Oliver for permission to attend the services. Prosecutors approved the release, but asked for U.S. Marshals to escort Fletcher, calling him a flight risk and a threat to the community. But for reasons unknown, Judge Oliver allowed Fletcher to leave prison Wednesday morning with his mother – no guards, no GPS. Fletcher was supposed to return to jail by 7 p.m. on Wednesday. He did not return. Instead, he’s once again, a dangerous fugitive. 3News Investigates reached out to federal prosecutors and Judge Oliver. Neither of whom would comment.

Source: <https://rexweyler.com/one-of-akrons-most-dangerous-individuals-on-run-after-funeral/>

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Sent: Thu, 2 Sep 2021 19:54:20 +0000
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Subject: Re: Guys is there anyway to move the (b)(7)(E) prisoners to Central Valley to try to get them out to the BOP? This will help free up some space going in to this Drawdown.

Would you be able to provide list, we can definitely try but it will depend on the facility which inmates they can safely house.

Thank You!

(b)(6); (b)(7)(C); (b)(7)(F)
District of Southern California
Ph (b)(6); (b)(7)(C)

On Sep 2, 2021, at 12:50 PM, (b)(6); (b)(7)(C); (b)(7)(F) (USMS (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov> wrote:

Guys is there any way to move the (b)(7)(E) prisoners to Central Valley to try to get them out to the BOP? This will help free up some space going in to this Drawdown.

- **Western Regional Detention Facility**

The current population at Western Regional Detention Facility is 554.

JPATS goes to the Southern California airlift (b)(6); (b)(7)(C); (b)(7)(F)

Currently there are (b)(7)(E) prisoners in Southern California that can be moved into the BOP.

(b)(6); (b)(7)(C); (b)(7)(F)
Senior Inspector
Prisoner Operations Division
(C)
(O) (b)(6); (b)(7)(C)

From: (b)(6), (b)(7)(C), (b)(7)(F) (USMS)
Sent: Tue, 11 Jan 2022 18:46:29 +0000
To: (b)(6), (b)(7)(C), (b)(7)(F) (USMS) (b)(6), (b)(7)(C), (b)(7)(F) (USMS)
Subject: RE: GEO/GTI Transportation BPA
Attachments: Southern California Transportation Questions 01.11.22.docx

Please see attached answers. Let me know if we need to change something.

From: (b)(6), (b)(7)(C), (b)(7)(F) (USMS) (b)(6), (b)(7)(C), (b)(7)(F) @usms.doj.gov>
Sent: Monday, January 10, 2022 3:59 PM
To: (b)(6), (b)(7)(C), (b)(7)(F) (USMS) (b)(6), (b)(7)(C), (b)(7)(F) @usms.doj.gov> (b)(6), (b)(7)(C), (b)(7)(F) (USMS) (b)(6), (b)(7)(C), (b)(7)(F) @usms.doj.gov>
Subject: FW: GEO/GTI Transportation BPA
Importance: High

Guys,
Please fill this out as best you can and plan on sitting down to discuss with me tomorrow at noon.
Thanks

From: (b)(6), (b)(7)(C), (b)(7)(F) (USMS) (b)(6), (b)(7)(C), (b)(7)(F) @usms.doj.gov>
Sent: Monday, January 10, 2022 2:29 PM
To: (b)(6), (b)(7)(C), (b)(7)(F) (USMS) (b)(6), (b)(7)(C), (b)(7)(F) @usms.doj.gov>
Cc: (b)(6), (b)(7)(C), (b)(7)(F) (USMS) (b)(6), (b)(7)(C), (b)(7)(F) @usms.doj.gov>
Subject: GEO/GTI Transportation BPA
Importance: High

Good evening Chief,

I have just sent you an invite to a meeting on Wednesday, that is set-up to get everyone on the same page for the BPA Transportation . In advance of the meeting attached is the questions GEO/GTI would like to discuss.

If you have any question feel free to contact me.

Respectfully,

(b)(6), (b)(7)(C), (b)(7)(F) MPA
Assistant Chief
Detention Standards & Compliance
Prison Operations Divisions

(b)(6), (b)(7)(C) W
C

This e-mail, and any attachment(s) thereto, is intended only for use by the addressee(s) named herein and may contain privileged and/or confidential information and/or information in accordance with FAR 3.104. If you are not the intended recipient(s) of this e-mail, any dissemination, distribution or copying of this e-mail, and any attachment(s) thereto, is strictly prohibited and may violate Federal Law. If you have received this e-mail in error, please immediately notify the sender by e-mail or telephone and permanently delete all copies of this e-mail and any attachment(s).

San Diego, California

United States Marshals Service request for secure transportation

Court

- Will MCC San Diego effectively replace the Western Region Detention Facility (WRDF) housing USMS detainees for daily court production to the San Diego Federal Court House? If not, where will they be housed?

(b)(7)(E)

- How frequently will detainees housed at USP Victorville be transported to the San Diego Federal Courthouse (daily, weekly)?

(b)(7)(E)

- How frequently will detainees housed at Central Vally Annex be transported to the San Diego Federal Courthouse (daily, weekly)?

(b)(7)(E)

- How Frequently will detainees housed at GEO El Centro be transported to the San Diego Federal Courthouse (daily, weekly)?

(b)(7)(E)

- What is the average number of detainees per day to/from each location above?

Non COVID

(b)(7)(E)

- What is the expected arrival time for court detainees at the San Diego Cellblock?

(b)(7)(E)

- What is the last pick-up time from the San Diego Cellblock?

(b)(7)(E)

Average

- Considering the possible closure of WRDF, who would provide breakfast/lunch for court detainees?

The facility the detainee is transported from.

- Where will the USMS house females requiring court appearances at the San Diego Federal Courthouse?

Chula Vista Jail

Otay Mesa Detention Center

Santa Ana Jail

GEO- El Centro (limited female space)

- Which county jails will GTI be required to pick up and drop off detainees, in addition to routine court productions? (San Bernadino, Santa Ana, Orange County etc.)

Santa Ana Jail

Orange County

Imperial County Jail

State/County P/U

Medical questions

- Will the BOP assume responsibility for medical escorts?

(b)(7)(E)

does medical escorts for BOP (MCC)

- Will GTI be responsible for conducting all specialty appointments (Dentist, eye doctor, surgery consults, pregnancy appointments for female detainees)

(b)(7)(E)

does medical appointments for BOP. All other facilities handle medical appointment transport.

- What is the current frequency of medical appointments from all locations (MCC, El Centro, San Diego, Central Valley)

(b)(7)(E)

- What is the average length stay for a detainee admitted to the hospital?

(b)(7)(E)

days

- On average, how many unscheduled hospital transports does each location have during a one-month period?

(b)(7)(E)

- Provide a list of approved facilities authorized for routine medical appointments, and detainee admittance. (b)(7)(E)

(b)(7)(E)

(b)(7)(E)

Airlift

- Will the BOP assume responsibility for transportation to the airlift? If not, what are the locations for airlift pick up and drop off? (b)(7)(E) Frequency from each location?

(b)(7)(E)

- Average number of detainees per airlift trip?

(b)(7)(E) going out

Other questions:

- Can GTI maintain permanent parking at MCC San Diego for Transportation vehicles?

No space

- Will the USMS San Diego Office have space to embed GTI staff?

(b)(7)(E)

- What happens to the administrative support staff that works in the USMS cell block that is currently funded through the WRDF contract?

No longer employed

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Sent: Thu, 18 Mar 2021 17:37:36 +0000
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Subject: RE: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities

Chief here is the answers we have up to now.

1. Facility Name/Drawdown Date
 - Western Region Detention Facility (Option/Expiration: 9/30/21)
2. District
 - Southern California
3. District population in the facility
 - 501
4. Population that has been designated in the facility
 - 18
5. Current plan on where the prisoners will be moved
 - Victorville FCI, Santa Ana County Jail, Orange County may be able to house.
6. Any issues (not enough beds, transportation problems etc...)
 - Not enough beds as S/CA has three large facilities closing this year.
 - Santa Ana County Jail and Victorville do not have transport (b)(7)(E) will have to provide transport for court operations. (b)(7)(E) will also have to provide medical transport and guard coverage.
7. District response to the proposed BOP beds given to the Chiefs yesterday
 - Victorville can house pretrial and post-trial. USMS would have to supply all transport through (b)(7)(E) contract.

1. Facility Name/Drawdown Date
 - El Centro Detention Facility (Option/ Expiration: 12/21/21)
2. District
 - Southern California
3. District population in the facility

- 385
4. Population that has been designated in the facility
 - 13
 5. Current plan on where the prisoners will be moved
 - Victorville FCI, Santa Ana County Jail, Orange County may be able to house.
 6. Any issues (not enough beds, transportation problems etc...)
 - Not enough beds as S/CA has three large facilities closing this year.
 - Santa Ana County Jail and Victorville do not have transport, (b)(7)(E) will have to provide transport for court operations. (b)(7)(E) will also have to provide medical transport and guard coverage.
 7. District response to the proposed BOP beds given to the Chiefs yesterday
 - Victorville can house pretrial and post-trial. USMS would have to supply all transport through (b)(7)(E) contract.

1. Facility Name/Drawdown Date
 - Otay Mesa Detention Center (Option/Expiration: 12/19/21)
2. District
 - Southern California
3. District population in the facility
 - 487
4. Population that has been designated in the facility
 - 12
5. Current plan on where the prisoners will be moved
 - Victorville FCI, Santa Ana County Jail, Orange County may be able to house.
6. Any issues (not enough beds, transportation problems etc...)
 - Not enough beds as S/CA has three large facilities closing this year.
 - Santa Ana County Jail and Victorville do not have transport, (b)(7)(E) will have to provide transport for court operations. (b)(7)(E) will also have to provide medical transport and guard coverage.
7. District response to the proposed BOP beds given to the Chiefs yesterday
 - Victorville can house pretrial and post-trial. USMS would have to supply all transport through (b)(7)(E) contract.

Thank You!

(b)(6); (b)(7)(C); (b)(7)(F)
Deputy US Marshal
S/CA San Diego
Ph: (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(F) @usms.doj.gov>
Sent: Thursday, March 18, 2021 8:13 AM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>; (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(F) @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Subject: Fwd: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities

Gents. Can you get the answers to 1-6 so I can add it to the rest of POD's questions? Thanks

(b)(6); (b)(7)(C); (b)(7)(F)
Assistant Chief Deputy U.S. Marshal
USMS Southern District of CA
(b)(6); (b)(7)(C)

Begin forwarded message:

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Date: March 18, 2021 at 07:18:37 PDT
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>; (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>; (b)(6); (b)(7)(C); (b)(7)(F) (USMS-CA/S) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Subject: RE: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities

Good morning All

I pray that you are doing well!

In addition to your initial drawdown plan requested by 3/19/21, please include the following:

1. Facility Name/Drawdown Date
 - Otay Mesa Detention Center (Option/Expiration: 12/19/21)
2. District
 - Southern California
3. District population in the facility
 - 487

4. Population that has been designated in the facility
 - 12
5. Current plan on where the prisoners will be moved
 - Victorville FCI, Santa Ana County Jail, Orange County may be able to house.
6. Any issues (not enough beds, transportation problems etc...)
 - Not enough beds as S/CA has three large facilities closing this year.
 - Santa Ana County Jail and Victorville do not have transport, (b)(7)(E) will have to provide transport for court operations. (b)(7)(E) will also have to provide medical transport and guard coverage.
7. District response to the proposed BOP beds given to the Chiefs yesterday

Thank you

V/R

(b)(6); (b)(7)(C); (b)(7)(F)
 USMS-HQS-POD-ODO
 (b)(6); (b)(7)(C); @usdoj.gov
 (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Sent: Wednesday, March 10, 2021 5:03 PM
To: (b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
 (b)(6); (b)(7)(C); @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (USMS-CA/S) (b)(6); @usms.doj.gov>; (b)(6); (b)(7)(C); (USMS)
 (b)(6); @usms.doj.gov> (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov>;
 (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
 (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F)
 (USMS) (b)(6); (b)(7)(C); @usms.doj.gov> (b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov>
Subject: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities
Importance: High

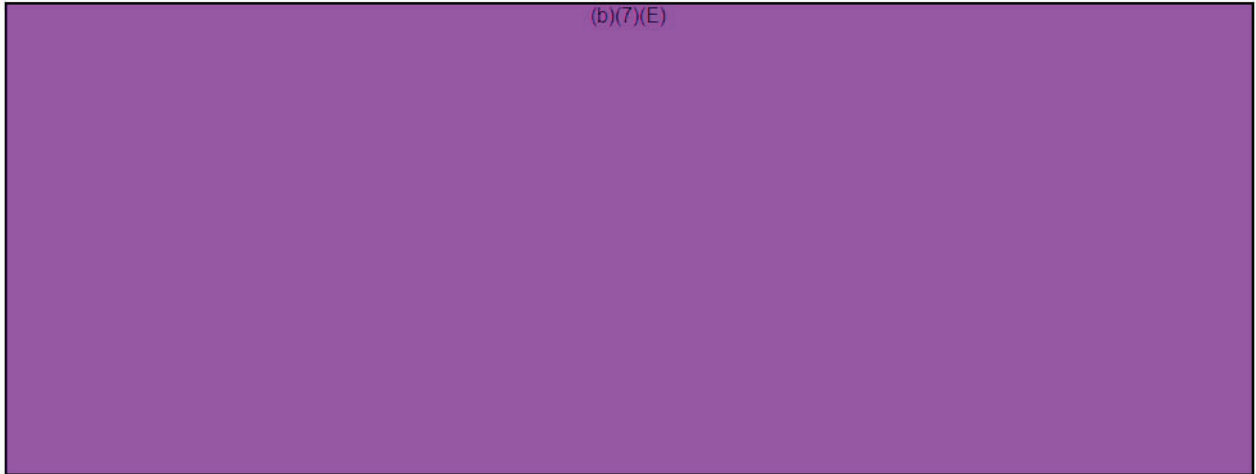
Chief's

Good afternoon, I pray that you are all doing well!

Consistent with the email notification Memorandum dated March 4, 2021, from Assistant Director John P. Sheehan, Prisoner Operations Division, regarding an Update on Executive Order Eliminating the Use of Privately Operated Criminal Detention Facilities, I have been tasked to support your district during the planning process for the potential draw down and relocation of our prisoner populations and operations at the facilities referenced below.

- Western Region Detention Facility (Option/Expiration: 9/30/21)
- El Centro Detention Facility (Option/ Expiration: 12/21/21)
- Otay Mesa Detention Center (Option/Expiration: 12/19/21)

To begin this process, I am respectfully requesting an initial draft of a draw down plan be submitted to POD-Detention Operations by **Friday 3/19/21** for your district which should include:



POD will begin coordinating with the Office of Transportation and JPATS for the potential needs for post sentence movements out of the district leading up to the first facility (Western Region Detention Facility: 9/30/21) draw down and exit. Based upon your plan, POD will also be engaging the BOP alternatives and options identified in your plan.

I am readily available for you to discuss any matters regarding this pre-planning phase. Please feel free to reach out to me at your discretion.

Thank you

(b)(6); (b)(7)(C); (b)(7)(F)
 USMS-HQS-POD-ODO
 (b)(6); (b)(7)(C); @usdoj.gov
 (b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Sent: Thu, 15 Jul 2021 21:57:57 +0000
To: (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Cc: (b)(6); (b)(7)(C); (USMS)
Subject: RE: Drawdown report

Changed the population.

From: (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>
Sent: Thursday, July 15, 2021 1:47 PM
To: (b)(6); (b)(7)(C); (b)(7)(F) USMS (b)(6); (b)(7)(C); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) USMS)
(b)(6); (b)(7)(C); @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov>
Subject: Drawdown report

Anything new needed to the Drawdown Report below?

Western Region Detention Facility **Expiration Date: 9/30/2021**

District: Southern District of California

District Population in the Facility: (628)

Designated Population in the Facility: (24)

Current Prisoner Movement Plan:

- Assessing options for a non-profit to operate the facility.
- (b)(7)(E) bus trips to (b)(7)(E) removing post sentenced prisoner populations in-district.
- Assessing FCI Victorville.

Challenges:

- FCI Victorville is 3 hours, one-way.
- Complex prisoner populations: (b)(7)(E)
- Additional funding and demand for transportation and guards.
- The Judiciary is increasing the demand for in-person prisoner productions.

(b)(6); (b)(7)(C); (b)(7)(F)
Senior Inspector
Prisoner Operations Division
United States Marshals Service
(b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C); (USMS)
Sent: Tue, 25 Jan 2022 20:41:02 +0000
To: (b)(6); (b)(7)(C); (USMS)
Cc: (b)(6); (b)(7)(C); (b)(7)(F) USMS; (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); (b)(7)(F)
(USMS)
Subject: RE: Central Valley Annex - Guaranteed Minimum usage

Thank you Sir.

Please advise when the district gets word that the lockdown was lifted.

Thank you again

(b)(6); (b)(7)(C); (b)(7)(F)
Assistant Chief | Detention Operations
USMS - HQs | Prisoner Operations Division
(b)(6); (b)(7)(C); (b)(7)(F) @usdoj.gov
(b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov>
Sent: Tuesday, January 25, 2022 3:29 PM
To: (b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
(b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>
Subject: RE: Central Valley Annex - Guaranteed Minimum usage

(b)(6);
(b)(7)(C);

This is the response from my DTIs. We have been willing to utilize the facility, but are experiencing these sort of repeated roadblocks. I know the DTIs have provided (b)(7)(C) for screening of prospective placements and are getting no reply.

Good Morning Chief,

We had previously reached out last week and again today. They are on lock down due to a COVID outbreak until they reopen we cannot get any inmates in there.

Thank You!

(b)(6); (b)(7)(C); (b)(7)(F)
Deputy US Marshal
S/CA San Diego
Ph: (b)(6); (b)(7)(C)

From: (b)(6), (b)(7)(C); (USMS) (b)(6); @usms.doj.gov>
Sent: Tuesday, January 25, 2022 10:54 AM
To: (b)(6), (b)(7)(C); (USMS) (b)(6); @usms.doj.gov>; (b)(6), (b)(7)(C); (USMS) (b)(6); @usms.doj.gov>;
(b)(6), (b)(7)(C); (USMS) (b)(6); @usms.doj.gov>; (b)(6), (b)(7)(C); (b)(7)(F) (USMS) (b)(6); @usms.doj.gov>;
(b)(6), (b)(7)(C); (USMS) (b)(6); @usms.doj.gov>; (b)(6), (b)(7)(C); (b)(7)(F) (USMS)
(b)(6), (b)(7)(C); @usms.doj.gov>
Cc: (b)(6), (b)(7)(C); (b)(7)(F) (USMS) (b)(6), (b)(7)(C); @usms.doj.gov> (b)(6), (b)(7)(C); (USMS)
(b)(6); @usms.doj.gov> (b)(6), (b)(7)(C); (b)(7)(F) (USMS) (b)(6), (b)(7)(C); @usms.doj.gov>; (b)(6);
(b)(6); (USMS) (b)(6), (b)(7)(C); @usms.doj.gov>
Subject: Central Valley Annex - Guaranteed Minimum usage

Good afternoon All

I pray that you are all well!

In collaboration with you, I would like to ascertain a way forward so that we are mitigating the current loss of detention funds at Central Valley Annex and that supports the detention housing needs of the user districts on the Central Valley Annex contract. Historically, we've hovered at about 150 prisoners at this facility. The guaranteed minimum beds is 225 at tier 1 fixed amount of \$1,765,000.00. Currently, we have 166 prisoners at the facility which equates to a daily loss of approximately \$470,000 in (b)(7)(E) funds. POD is prepared to support the best possible outcome that supports the need of the districts by:

(b)(5) Deliberative Process Privilege

I am open to suggestions to make sure we are supporting your districts needs and maintaining a good stewardship process of (b)(7)(E) funds. Please advise as to any strategies so that we can fill these remaining beds by 1/28/22.

Thank you and looking forward into collaborating with you on the best resolution.

(b)(6), (b)(7)(C); (b)(7)(F)
Assistant Chief | Detention Operations
USMS - HQs | Prisoner Operations Division
(b)(6), (b)(7)(C); @usdoj.gov
(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

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From: (b)(6); (b)(7)(C); (USMS)
Sent: Fri, 10 Sep 2021 16:07:08 +0000
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Cc: (b)(6); (USMS); (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Subject: RE: Central Valley - Prisoner Movement Request

Please be advised, you would know more regarding this aspect on the ground in your district, if you are thinking about trying to move post sentenced prisoners sitting in BOP facilities may not be the best option because of moratoriums. You may not be able to fill those beds up with prisoners from Western Region.

From: (b)(6); (b)(7)(C); (USMS)
Sent: Friday, September 10, 2021 10:56 AM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(C); @usms.doj.gov; (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); @usms.doj.gov
Cc: (b)(6); (b)(7)(C); (USMS); (b)(6); @usms.doj.gov; (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov
Subject: RE: Central Valley - Prisoner Movement Request

Additionally, we need to make sure that the (b)(7)(E) to Central Valley Annex and the (b)(7)(E) to Central Detention Center occur no later than next week. This will bring your population down to 347 at Western Region. Please advise the dates that these moves will occur.

Thank you Sir

From: (b)(6); (b)(7)(C); (USMS)
Sent: Friday, September 10, 2021 10:38 AM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(C); @usms.doj.gov; (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(C); @usms.doj.gov
Cc: (b)(6); (b)(7)(C); (USMS); (b)(6); @usms.doj.gov; (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov
Subject: RE: Central Valley - Prisoner Movement Request
Importance: High

10-4 (b)(6); I appreciate it! Lets focus step by step on the (b)(7)(E) for Central Valley Annex and the (b)(7)(E) to Central Detention Center.

Currently, Capture displays that you have:

- 509 total prisoners at Western Region.

You also have:

(b)(7)(E) total Post-convicted in the district. (b)(7)(E) of those have been sentenced and (b)(7)(E) have been designated to the BOP
- We need to take that (b)(7)(E) and make sure that they are all (b)(7)(E) - AFTER - you have filtered and removed those prisoners that are (b)(7)(E)

- Once you have filtered and (b)(7)(E) those prisoners we can coordinate with OTS and JPATS to move those prisoners into CCA Arizona ((b)(6); (b)(7)(C); (b)(7)(E)) I have spoken already to (b)(6); (b)(7)(C); (b)(7)(E) in the D/AZ but make sure you coordinate this move with him as well). As a secondary option we will be looking at Pahrump for post sentenced prisoners.

(b)(6); (b)(7)(C); (b)(7)(E) When is the earliest time we can get a mission into S/CA to move potentially (b)(7)(E) prisoners? Also, can you talk with (b)(6); (b)(7)(C); (b)(7)(E) to see if we can potentially get a BOP bus to move the (b)(7)(E) that are already designated to the BOP?

Also, it is very good that you are actively working towards the new intake solution because I anticipate that POD will be shutting down new intakes very soon at Western Region so please prioritize that solution. We will give you a heads up when that shut down will occur prior.

Thank you Sir.

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(E) @usms.doj.gov>
Sent: Friday, September 10, 2021 9:50 AM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(E) @usms.doj.gov>
Subject: Re: Central Valley - Prisoner Movement Request

Good morning Sir,

We are working on both identifying inmates for movement and a new intake solution.

Respectfully,

(b)(6); (b)(7)(C); (b)(7)(F)
Deputy U.S. Marshal
S/CA - San Diego
(b)(6); (b)(7)(C) (O)
(b)(6); (b)(7)(C) (C)

On Sep 9, 2021, at 9:15 AM, (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(E) @usms.doj.gov> wrote:

(b)(6); (b)(7)(C); (b)(7)(F)

Also, from our discussion yesterday, we need to know what if any plan has been identified to redirect new intakes to another facility such as (b)(7)(E)

Thank you Sir

(b)(6); (b)(7)(C); (b)(7)(F)
Assistant Chief
USMS-HQS-POD-ODO

(b)(6); (b)(7)(C); @usdoj.gov

(b)(6); (b)(7)(C);
(b)(7)(F)

On Sep 9, 2021, at 12:05 PM, (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov> wrote:

(b)(6);
(b)(7)(C);

Good morning, I pray that all is well!

As of today, you have (b)(7)(F) open beds for your use at Central Valley and (b)(7)(F) beds available at San Bern Central Detention Center (CDC). Please do the following and advise:

1. Identify (b)(7)(F) prisoners that you can move out of Western Region into Central Valley.
(Note: Please be advised that the intent here is to be able to minimize your population at Western Region. If you move prisoners from other facilities into Central Valley, you need to be able to move a 1 for 1 out of Western Region to reoccupy that bed from that other facility. In essence, ultimately diminishing your population at Western Region).
2. Please send me the roster (excel) of those prisoners identified.
3. Make sure that you call and let Central Valley know that you are coming with those prisoners.
4. I need a date of when that movement will occur as soon as possible?
5. Utilize Western Region transportation and GEO Transportation to make that move.
6. Additionally, I need a second roster of (b)(7)(F) prisoners at Western Region and a date of when you will move those prisoners from Western Region to San Bern Central Detention Center (CDC) as well?

Thank you Sir and have an excellent day!

(b)(6); (b)(7)(C); (b)(7)(F)

Assistant Chief

USMS-HOS-POD-ODO

(b)(6); (b)(7)(C); (b)(7)(F) @usdoj.gov

(b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C); (b)(7)(F) USMS)
Sent: Fri, 10 Sep 2021 14:37:53 +0000
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) USMS)
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Subject: RE: Central Valley - Prisoner Movement Request
Importance: High

10-4 (b)(6); (b)(7)(C); (b)(7)(F) I appreciate it! Lets focus step by step on the (b)(7)(E) for Central Valley Annex and the (b)(7)(E) to Central Detention Center.

Currently, Capture displays that you have:

- 509 total prisoners at Western Region.

You also have:

(b)(7)(E) total Post-convicted in the district (b)(7)(E) of those have been sentenced and (b)(7)(E) have been designated to the BOP.

- We need to take that (b)(7)(E) and make sure that they are all (b)(7)(E) - AFTER - you have filtered and removed those prisoners that are (b)(7)(E)

- Once you have filtered and (b)(7)(E) those prisoners we can coordinate with OTS and JPATS to move those prisoners into CCA Arizona (b)(6); (b)(7)(C); (b)(7)(F) I have spoken already to (b)(6); (b)(7)(C); (b)(7)(F) in the D/AZ but make sure you coordinate this move with him as well). As a secondary option we will be looking at Pahrump for post sentenced prisoners.

(b)(6); (b)(7)(C); (b)(7)(F). When is the earliest time we can get a mission into S/CA to move potentially (b)(7)(E) prisoners? Also, can you talk with (b)(6); (b)(7)(C); (b)(7)(F) to see if we can potentially get a BOP bus to move the (b)(7)(E) that are already designated to the BOP?

Also, it is very good that you are actively working towards the new intake solution because I anticipate that POD will be shutting down new intakes very soon at Western Region so please prioritize that solution. We will give you a heads up when that shut down will occur prior.

Thank you Sir.

From: (b)(6); (b)(7)(C); (b)(7)(F) USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Sent: Friday, September 10, 2021 9:50 AM
To: (b)(6); (b)(7)(C); (b)(7)(F) USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Subject: Re: Central Valley - Prisoner Movement Request

Good morning Sir,

We are working on both identifying inmates for movement and a new intake solution.

Respectfully,

(b)(6); (b)(7)(C); (b)(7)(F)

Deputy U.S. Marshal
S/CA - San Diego

(b)(6); (b)(7)(C)
(O)
(C)

On Sep 9, 2021, at 9:15 AM, (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) <(b)(6); (b)(7)(C); (b)(7)(F)>@usms.doj.gov wrote:

(b)(6); (b)(7)(C); (b)(7)(F)

Also, from our discussion yesterday, we need to know what if any plan has been identified to redirect new intakes to another facility such as (b)(7)(E)?

Thank you Sir

(b)(6); (b)(7)(C); (b)(7)(F)

Assistant Chief

USMS-HQS-POD-ODO

(b)(6); (b)(7)(C); (b)(7)(F) <(b)(6); (b)(7)(C); (b)(7)(F)>@usdoj.gov

(b)(6); (b)(7)(C)

On Sep 9, 2021, at 12:05 PM, (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) <(b)(6); (b)(7)(C); (b)(7)(F)>@usms.doj.gov wrote:

(b)(6); (b)(7)(C); (b)(7)(F)

Good morning, I pray that all is well!

As of today, you have (b)(7)(E) open beds for your use at Central Valley and (b)(7)(E) beds available at San Bern Central Detention Center (CDC). Please do the following and advise:

1. Identify (b)(7)(E) prisoners that you can move out of Western Region into Central Valley.
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6. Additionally, I need a second roster of (b)(7)(E) prisoners at Western Region and a date of when you will move those prisoners from Western Region to San Bern Central Detention Center (CDC) as well?

Thank you Sir and have an excellent day!

(b)(6); (b)(7)(C); (b)(7)(F)

Assistant Chief

USMS-HQS-POD-ODO

(b)(6); (b)(7)(C); (b)(7)(F) [@usdoj.gov](mailto:____@usdoj.gov)

(b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C); (USMS)
Sent: Fri, 10 Sep 2021 14:56:26 +0000
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Cc: (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); (USMS)
Subject: RE: Central Valley - Prisoner Movement Request

Additionally, we need to make sure that the (b)(7)(E) to Central Valley Annex and the (b)(7)(E) to Central Detention Center occur no later than next week. This will bring your population down to 347 at Western Region. Please advise the dates that these moves will occur.

Thank you Sir

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Sent: Friday, September 10, 2021 10:38 AM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>; (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>; (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Subject: RE: Central Valley - Prisoner Movement Request
Importance: High

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Thank you Sir.

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) <(b)(6); (b)(7)(C); (b)(7)(F)@usms.doj.gov>
Sent: Friday, September 10, 2021 9:50 AM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) <(b)(6); (b)(7)(C); (b)(7)(F)@usms.doj.gov>
Subject: Re: Central Valley - Prisoner Movement Request

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Respectfully,

(b)(6); (b)(7)(C); (b)(7)(F)
Deputy U.S. Marshal
S/CA - San Diego
(b)(6); (b)(7)(C); (b)(7)(F)
(b)(6); (b)(7)(C); (b)(7)(F)

On Sep 9, 2021, at 9:15 AM, (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) <(b)(6); (b)(7)(C); (b)(7)(F)@usms.doj.gov> wrote:

(b)(6); (b)(7)(C); (b)(7)(F)

Also, from our discussion yesterday, we need to know what if any plan has been identified to redirect new intakes to another facility such as (b)(7)(E) ?

Thank you Sir

(b)(6); (b)(7)(C); (b)(7)(F)
Assistant Chief
USMS-HQS-POD-ODO
(b)(6); (b)(7)(C); (b)(7)(F) <(b)(6); (b)(7)(C); (b)(7)(F)@usdoj.gov>
(b)(6); (b)(7)(C); (b)(7)(F)

On Sep 9, 2021, at 12:05 PM, (b)(6); (b)(7)(C); (b)(7)(F) USMS (b)(6); (b)(7)(C); (b)(7)(F) <(b)(6); (b)(7)(C); (b)(7)(F)@usms.doj.gov> wrote:

(b)(6); (b)(7)(C); (b)(7)(F)

Good morning, I pray that all is well!

As of today, you have (b)(7)(F) open beds for your use at Central Valley and (b)(7)(E) beds available at San Bern Central Detention Center (CDC). Please do the following and advise:

1. Identify (b)(7)(E) prisoners that you can move out of Western Region into Central Valley.
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5. Utilize Western Region transportation and GEO Transportation to make that move.
6. Additionally, I need a second roster of (b)(7)(E) prisoners at Western Region and a date of when you will move those prisoners from Western Region to San Bern Central Detention Center (CDC) as well?

Thank you Sir and have an excellent day!

(b)(6), (b)(7)(C), (b)(7)(F)
Assistant Chief
USMS-HQS-POD-ODO
(b)(6), (b)(7)(C), (b)(7)(F) @usdoj.gov
(b)(6), (b)(7)(C)

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From: (b)(6); (b)(7)(C); (USMS)
Sent: Thu, 9 Sep 2021 20:14:02 +0000
To: (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (USMS)
Subject: Prisoner Transportation Services - Please Review For Concurrence

All

POD is in the continuous process of updating our Sources Sought Notice to vendors to service your districts transportation needs. Please confirm the following at your earliest availability and or add any missing locations where you would need transportation services. Please add the missing information highlighted below:

- (b)(7)(E) transportation services for the pick up of prisoners (b)(7)(E) from the custody of the Department of Homeland Security (Customs) Port of Entry located in 720 East San Isidro Blvd., San Isidro, CA and transported to (b)(7)(E)
- (b)(7)(E) transportation to and from Central Valley Annex located at 254 Taylor Ave., McFarland, CA 93250 and the USMS District office located at 333 West Broadway, San Diego, CA 92101.
- (b)(7)(E) transportation to and from BOP FCI Victorville facility located at 13777 Air Expressway Blvd., Victorville, CA 92394 and the USMS District office located at 333 West Broadway, San Diego, CA 92101.
- Transportation to and from (What facilities) for JPATS airlift airport site (b)(7)(E)

Thank you

(b)(6); (b)(7)(C); (b)(7)(F)
Assistant Chief
USMS-HQS-POD-ODO
(b)(6); (b)(7)(C); (b)(7)(F) @usdoj.gov
(b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C); (b)(7)(F) USMS)
Sent: Tue, 6 Jul 2021 15:05:08 +0000
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Subject: POD Drawdown Meeting

Were you guys included on the noon call with POD re Geo drawdown?

(b)(6); (b)(7)(C); (b)(7)(F)
Assistant Chief Deputy U.S. Marshal
USMS – Southern District of California

333 West Broadway, Suite 100
San Diego, CA 92101

(b)(6); (b)(7)(C) cell)
(b)(6); (b)(7)(C) desk)

From: (b)(6); (b)(7)(C)
To: (b)(6); (b)(7)(C); (USMS-CA/S); (b)(6); (b)(7)(C); (USMS); (b)(6); (USMS)
Cc: [Stafford, Steve \(USMS\)](#)
Subject: EO on Private Detention Facilities
Date: Friday, January 29, 2021 9:21:24 AM
Attachments: [EO on Private Detention 1-26-21.pdf](#)

All:

Please see the attached Executive Order. Would one of you have time for a quick phone call with Chief Judge Sabraw today? He has a call with the GEO warden at 11:00 a.m. and calendar in the afternoon but is otherwise available. Please let me know if you have questions. Thank you.

Jenny

(b)(6); (b)(7)(C)

Law Clerk to Chief Judge Dana M. Sabraw

(b)(6); (b)(7)(C)

BRIEFING ROOM

Executive Order on Reforming Our Incarceration System to Eliminate the Use of Privately Operated Criminal Detention Facilities

JANUARY 26, 2021 • PRESIDENTIAL ACTIONS

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Policy. More than two million people are currently incarcerated in the United States, including a disproportionate number of people of color. There is broad consensus that our current system of mass incarceration imposes significant costs and hardships on our society and communities and does not make us safer. To decrease incarceration levels, we must reduce profit-based incentives to incarcerate by phasing out the Federal Government's reliance on privately operated criminal detention facilities.

We must ensure that our Nation's incarceration and correctional systems are prioritizing rehabilitation and redemption. Incarcerated individuals should be given a fair chance to fully reintegrate into their communities, including by participating in programming tailored to earning a good living, securing affordable housing, and participating in our democracy as our fellow citizens. However, privately operated criminal detention facilities consistently underperform Federal facilities with respect to correctional services, programs, and resources. We should ensure that time in prison prepares individuals for the next chapter of their lives.

The Federal Government also has a responsibility to ensure the safe and humane treatment of those in the Federal criminal justice system. However, as the Department of Justice's Office of Inspector General found in 2016, privately operated criminal detention facilities do not maintain the same levels of safety and security for people in the Federal criminal justice system or for correctional staff. We have a duty to provide these individuals with safe working and living conditions.

Sec. 2. Contracts with Privately Operated Criminal Detention Facilities. The Attorney General shall not renew Department of Justice contracts with privately operated criminal

2022-USMS-000045

detention facilities, as consistent with applicable law.

Sec. 3. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
 - (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.
- (b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.
- (c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

JOSEPH R. BIDEN JR.

THE WHITE HOUSE,
January 26, 2021.

From: (b)(6); (b)(7)(C); (USMS)
To: (b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C) USMS-CA/S; (b)(6); (USMS); [Stafford, Steve \(USMS\)](#)
Subject: Re: EO on Private Detention Facilities
Date: Friday, January 29, 2021 9:47:31 AM

Good morning (b)(6); I am available at the number listed below anytime you need me. Thanks

(b)(6); (b)(7)(C); (b)(7)(F)

Assistant Chief Deputy
U.S. Marshals Service
Southern District of California

(b)(6); (b)(7)(C)

On Jan 29, 2021, at 9:21 AM, (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) @casd.uscourts.gov> wrote:

All:

Please see the attached Executive Order. Would one of you have time for a quick phone call with Chief Judge Sabraw today? He has a call with the GEO warden at 11:00 a.m. and calendar in the afternoon but is otherwise available. Please let me know if you have questions. Thank you.

(b)(6);
(b)(7)(C)

(b)(6); (b)(7)(C)

Law Clerk to Chief Judge Dana M. Sabraw

(b)(6); (b)(7)(C)

<EO on Private Detention 1-26-21.pdf>

From: (b)(6); (b)(7)(C); USMS)
To: (b)(6); USMS); (b)(6); (b)(7)(C); USMS)
Cc: (b)(6); (b)(7)(C); USMS-CA/S); (b)(6); USMS); (b)(6); (b)(7)(C); USMS); (b)(6); (b)(7)(C); USMS); (b)(6);
(b)(6); USMS); (b)(6); (b)(7)(C); USMS); (b)(6); (b)(7)(C); (USMS); (b)(6); USMS)
Subject: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities
Date: Wednesday, March 10, 2021 2:03:10 PM
Attachments: [POD-Update on Executive Order Eliminating the Use of Privately Operated Criminal Detention Facilities.pdf](#)
Importance: High

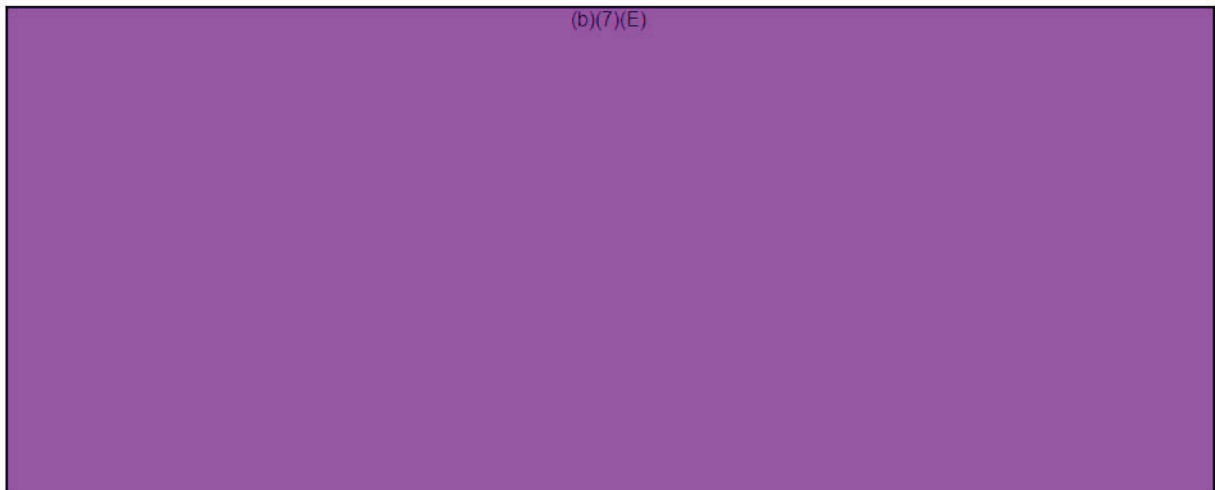
Chief's

Good afternoon, I pray that you are all doing well!

Consistent with the email notification Memorandum dated March 4, 2021, from Assistant Director John P. Sheehan, Prisoner Operations Division, regarding an Update on Executive Order Eliminating the Use of Privately Operated Criminal Detention Facilities, I have been tasked to support your district during the planning process for the potential draw down and relocation of our prisoner populations and operations at the facilities referenced below.

- Western Region Detention Facility (Option/Expiration: 9/30/21)
- El Centro Detention Facility (Option/ Expiration: 12/21/21)
- Otay Mesa Detention Center (Option/Expiration: 12/19/21)

To begin this process, I am respectfully requesting an initial draft of a draw down plan be submitted to POD-Detention Operations by **Friday 3/19/21** for your district which should include:



POD will begin coordinating with the Office of Transportation and JPATS for the potential needs for post sentence movements out of the district leading up to the first facility (Western Region Detention Facility: 9/30/21) draw down and exit. Based upon your plan, POD will also be engaging the BOP alternatives and options identified in your plan.

I am readily available for you to discuss any matters regarding this pre-planning phase. Please feel free to reach out to me at your discretion.

Thank you



U.S. Department of Justice
United States Marshals Service
Prisoner Operations Division

Washington, DC 20530-0001

March 4, 2021

MEMORANDUM TO: United States Marshals
Assistant Directors
Chief Deputy United States Marshals
Deputy Assistant Directors

FROM: John P. Sheehan
Assistant Director (b)(6); (b)(7)(C)

SUBJECT: Update on Executive Order Eliminating the Use of Privately
Operated Criminal Detention Facilities

On Tuesday, January 26, 2021, President Biden signed Executive Order (EO) 14006, entitled "Reforming Our Incarceration System to Eliminate the Use of Privately Operated Criminal Detention Facilities." On Wednesday, January 27, 2021, United States Marshals Service (USMS) Executive Leadership, the Prisoner Operations Division, the Office of Congressional and Public Affairs, and the Office of General Counsel met and determined that the USMS needed additional guidance and direction from the Department of Justice regarding the intended scope of the EO and its effect to current and pending detention contracts and agreements with our private detention partners.

Since January 27, 2021, USMS Executive Leadership has been in nearly constant contact with officials from the Office of the Deputy Attorney General (ODAG) and White House Counsel on the impact of the EO to USMS detention operations. USMS Executive Leadership prioritized discussions regarding contracts due to expire within the next 90 days, such as the contract for the Northeast Ohio Correctional Center (NEOCC), for determination of any immediate actions related to the EO.

The USMS recently received additional guidance from the ODAG regarding immediate actions to be taken concerning its contract detention facilities. The USMS has been prohibited from entering into any new contractual agreements with any private detention corporations for the acquisition of federal detention space. Furthermore, the USMS has been directed not to execute any new contract actions, such as exercising option years included in current contracts, with any private detention corporations.

Subject: Update on Executive Order Eliminating the Use of Privately Operated Criminal Detention Facilities

As a result of this directive, the USMS has taken steps to begin the drawdown of its detention population at NEOCC within the next 90 days. Upon the conclusion of this 90-day period, all USMS prisoners presently housed at NEOCC will have been relocated to alternate detention space in surrounding jurisdictions. USMS Executive Leadership has communicated with impacted districts on the conclusion of USMS operations within the facility and mobilized POD and the Justice Prisoner and Alien Transportation System (JPATS) to assist with acquiring additional bedspace and coordinating transportation strategies.

Although the ODAG and White House Counsel continue to discuss additional contractual agreements pending expiration within the next 90 days, the USMS must plan for the possible closure of additional facilities in the coming months. In the near future, POD and JPATS will communicate with host districts of contract detention facilities in an effort to plan for the possible drawdown in additional facilities. It is recommended that impacted districts communicate these developments regarding the EO to their respective judiciary, partnering agencies, and state/local detention space providers to ensure that all alternate bedspace available to the USMS is identified.

Lastly, USMS Executive Leadership has been in communication with the Administrative Office of the U.S. Courts regarding the impact of the EO and will continue to work with partnering agencies such as the Federal Bureau of Prisons on additional available pretrial detention space. POD will update you as soon as we are aware of any additional information. If you are receiving any local intelligence you think may be important to share, please contact myself, Deputy Assistant Directors Aaron Sawyer or (b)(6); (b)(7)(C); (b)(7)(F) or Chief (b)(6); (b)(7)(C); (b)(7)(F) POD Office of Detention Operations.

(b)(6); (b)(7)(C); (b)(7)(F)

USMS-HQS-POD-ODO

(b)(6); (b)(7)(C);
(b)(7)(F) [@usdoj.gov](mailto:usdoj.gov)

(b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C); USMS-CA/S)
To: (b)(6); USMS; (b)(6); (b)(7)(C); USMS)
Subject: Re: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities
Date: Wednesday, March 10, 2021 3:31:16 PM

Do you guys want to handle the response to this or would you like me to?

(b)(6); (b)(7)(C);
Chief Deputy
Southern District of California

(b)(6); (b)(7)(C) (O)
(b)(6); (b)(7)(C) (C)

On Mar 10, 2021, at 2:03 PM, (b)(6); (b)(7)(C); (b)(7)(E); (USMS)
<(b)(6); (b)(7)(C); @usms.doj.gov> wrote:

Chief's

Good afternoon, I pray that you are all doing well!

Consistent with the email notification Memorandum dated March 4, 2021, from Assistant Director John P. Sheehan, Prisoner Operations Division, regarding an Update on Executive Order Eliminating the Use of Privately Operated Criminal Detention Facilities, I have been tasked to support your district during the planning process for the potential draw down and relocation of our prisoner populations and operations at the facilities referenced below.

- Western Region Detention Facility (Option/Expiration: 9/30/21)
- El Centro Detention Facility (Option/ Expiration: 12/21/21)
- Otay Mesa Detention Center (Option/Expiration: 12/19/21)

To begin this process, I am respectfully requesting an initial draft of a draw down plan be submitted to POD-Detention Operations by ***Friday 3/19/21*** for your district which should include:

(b)(7)(E)



(b)(7)(E)

POD will begin coordinating with the Office of Transportation and JPATS for the potential needs for post sentence movements out of the district leading up to the first facility (Western Region Detention Facility: 9/30/21) draw down and exit. Based upon your plan, POD will also be engaging the BOP alternatives and options identified in your plan.

I am readily available for you to discuss any matters regarding this pre-planning phase. Please feel free to reach out to me at your discretion.

Thank you

(b)(6); (b)(7)(C); (b)(7)(F)

USMS-HQS-POD-ODO

(b)(6); (b)(7)(C); @usdoj.gov

(b)(6); (b)(7)(C)

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<POD-Update on Executive Order Eliminating the Use of Privately Operated Criminal Detention Facilities.pdf>

From: (b)(6); (b)(7)(C); USMS)
To: (b)(6); (b)(7)(C); (USMS); (b)(6); (b)(7)(C); USMS)
Cc: (b)(6); (USMS)
Subject: FW: Private Facility Listing Report .pdf
Date: Wednesday, March 10, 2021 6:45:02 PM

Can you guys see if you can answer any of the below questions in the AM so I can get back to him. This is going to be a mess if they really try and close them down!

From: (b)(6); (b)(7)(C) @casd.uscourts.gov>
Sent: Wednesday, March 10, 2021 4:48 PM
To: (b)(6); (b)(7)(C) @casd.uscourts.gov>; (b)(6); (b)(7)(C); (b)(7)(F) USMS)
(b)(6); (b)(7)(C); @usms.doj.gov>
Subject: Re: Private Facility Listing Report .pdf

H (b)(6); (b)(7)(C)

Thank you for the information. I have a few questions.

San Luis doesn't have an expiration date listed. Why not?

Central Valley Annex has a capacity of 300 but we share that facility with CAC and CAE. What's the maximum number of beds our district can use? 100? Where is that facility located?

It looks like Otay Mesa will be available to us until December 2024, right?

How many county jails do we use? What's the maximum capacity available to us? Where are those facilities located? And, aren't those facilities not subject to the Executive Order?

Thank you.

(b)(6); (b)(7)(C)

Sent from my iPad

On Mar 9, 2021, at 3:35 PM, (b)(6); (b)(7)(C) @casd.uscourts.gov> wrote:

FYI

From: (b)(6); (b)(7)(C); (b)(7)(F) USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usdoj.gov>
Sent: Tuesday, March 9, 2021 3:34 PM
To: (b)(6); (b)(7)(C) @casd.uscourts.gov>
Subject: Private Facility Listing Report .pdf

CAUTION - EXTERNAL:

Updated with SLDC and Central Valley. Still standing by for contract end date for SLDC.

(b)(6); (b)(7)(C); (b)(7)(F)

Assistant Chief Deputy
U.S. Marshals Service
Southern District of California

(b)(6); (b)(7)(C)

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary.
Exercise caution when opening attachments or clicking on links.

<Private Facility Listing Report .pdf>

From: (b)(6); (b)(7)(C); (USMS)
To: (b)(6); (b)(7)(C); (USMS)
Cc: (b)(6); (b)(7)(C); (b)(6); (b)(7)(C); (USMS)
Subject: RE: Executive Order Planning
Date: Monday, March 15, 2021 8:32:18 AM

Copy Chief.

From: (b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov>
Sent: Monday, March 15, 2021 8:30 AM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
(b)(6); (b)(7)(C); @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
(b)(6); (b)(7)(C); @usms.doj.gov>
Subject: Executive Order Planning

(b)(6); (b)(7)(C);

I know you guys are extremely busy, but please look at the questions below and address them as best you can and get back to me by COB on Thursday. I have cc'd (b)(6); (b)(7)(C); with hopes he can throw a few suggestions our way for planning since he has the pre-covid perspective.

(b)(6); (b)(7)(C);

Any help you could throw our way would be appreciated. Sorry to impose on you.

(b)(6); (b)(7)(C);

On Mar 10, 2021, at 2:03 PM (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov> wrote:

Chief's

Good afternoon, I pray that you are all doing well!

Consistent with the email notification Memorandum dated March 4, 2021, from Assistant Director John P. Sheehan, Prisoner Operations Division, regarding an Update on Executive Order Eliminating the Use of Privately Operated Criminal Detention Facilities, I have been tasked to support your district during the planning process for the potential draw down and relocation of our prisoner populations and operations at the facilities referenced below.

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- El Centro Detention Facility (Option/ Expiration: 12/21/21)
- Otay Mesa Detention Center (Option/Expiration: 12/19/21)

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I am readily available for you to discuss any matters regarding this pre-planning phase. Please feel free to reach out to me at your discretion.

Thank you

(b)(6); (b)(7)(C); (b)(7)(F)

USMS-HQS-POD-ODO

(b)(6); (b)(7)(C); [@usdoj.gov](mailto:POD@usdoj.gov)

(b)(6); (b)(7)(C)

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<POD-Update on Executive Order Eliminating the Use of Privately Operated Criminal Detention Facilities.pdf>

(b)(6); (b)(7)(C);
(b)(7)(F)

Assistant Chief Deputy U.S. Marshal

US Marshals Service

Southern District of California

(b)(6); (b)(7)(C) o)

(b)(6); (b)(7)(C) (C)

Mailing Address:
US Marshals Service
333 W. Broadway, Suite 100
San Diego, CA 92101

From: (b)(6); (USMS)
To: (b)(6); (USMS)
Cc: (b)(6); (b)(7)(C); (USMS); (b)(6); (b)(7)(C); (USMS); (b)(6); (b)(7)(C); (USMS)
Subject: Re: Executive Order Planning
Date: Monday, March 15, 2021 10:23:17 AM

Good morning Chief,

I spoke with Orange County and Santa Ana jail management this morning. They are both willing to assist and proposed the following:

Orange County jail will be able to house up to (b)(7)(E) male prisoners beginning on May 2021. With potential for more, as the COVID19 situation improves. They will be able to take on more prisoners later in the summer or fall.

Santa Ana jail could house (b)(7)(E) male prisoners beginning on July 2021.

DMLs should reach out to POD to ask about the possibility of housing prisoners at Victorville. And see if that relationship can be re-established due to the current Executive Order.

Reach out to the Imperial county jail- El Centro to see how many USMS prisoners they can or are willing to take. (explain the situation) (b)(6); (b)(7)(C); (b)(7)(F) @icso.org

We have worked with the Kern County jail in the past. Reach out to the SDUSM in Fresno (b)(6); (b)(7)(C); (b)(7)(F) to see if they are willing to help. (b)(6); (b)(7)(C); (b)(7)(F) cell (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov

We have worked with the San Bernardino County Jail in the past. Might be worth reaching out to see if they are willing to assist. Sergeant (b)(6); (b)(7)(C); (b)(7)(F) @sbcsd.org

Also explore the possibility of working with the San Diego County Sherriff's and POD to see if an IGA/contract can be done. SDSO POC (b)(6); (b)(7)(C); (b)(7)(F) @sdsheriff.org

Hope this is helpful. Sounds like fun times ahead. Good luck.

(b)(6); (b)(7)(C)

On Mar 15, 2021, at 8:29 AM, (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(F) @usms.doj.gov> wrote:

(b)(6); (b)(7)(C); (b)(7)(F)

I know you guys are extremely busy, but please look at the questions below and address them as best you can and get back to me by COB on Thursday. I have cc'd (b)(6); (b)(7)(C); (b)(7)(F) with hopes he can throw a few suggestions our way for planning since he has

the pre-covid perspective.

(b)(6);
(b)(7)(C)

Any help you could throw our way would be appreciated. Sorry to impose on you.

(b)(6);
(b)(7)(C)

On Mar 10, 2021, at 2:03 PM, (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C)@usms.doj.gov> wrote:

Chief's

Good afternoon, I pray that you are all doing well!

Consistent with the email notification Memorandum dated March 4, 2021, from Assistant Director John P. Sheehan, Prisoner Operations Division, regarding an Update on Executive Order Eliminating the Use of Privately Operated Criminal Detention Facilities, I have been tasked to support your district during the planning process for the potential draw down and relocation of our prisoner populations and operations at the facilities referenced below.

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- Otay Mesa Detention Center (Option/Expiration: 12/19/21)

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I am readily available for you to discuss any matters regarding this pre-planning phase. Please feel free to reach out to me at your discretion.

Thank you

(b)(6); (b)(7)(C); (b)(7)(F)

USMS-HQS-POD-ODO

(b)(6); (b)(7)(C); [\[REDACTED\]@usdoj.gov](mailto:[REDACTED]@usdoj.gov)

(b)(6); (b)(7)(C)

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<POD-Update on Executive Order Eliminating the Use of Privately Operated Criminal Detention Facilities.pdf>

(b)(6); (b)(7)(C);
(b)(7)(F)

Assistant Chief Deputy U.S. Marshal

US Marshals Service

Southern District of California

(b)(6); (b)(7)(C) (o)
(c)

Mailing Address:

US Marshals Service

333 W. Broadway, Suite 100

San Diego, CA 92101

From: (b)(6); (b)(7)(C); USMS)
To: (b)(6); (b)(7)(C); USMS-CA/S; (b)(6); (b)(7)(C); (USMS) (b)(6); USMS)
Subject: FW: BOP Plan for Additional Detention Space
Date: Tuesday, March 16, 2021 3:20:01 PM
Attachments: USMS to BOP PlanFY 2021.docx

FYI. This is their plan for us Victorville.

From: (b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov>
Sent: Tuesday, March 16, 2021 2:00 PM
To: Stafford, Steve (USMS) (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) USMS)
(b)(6); (b)(7)(C); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C);
(USMS) (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C);
(USMS) (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) USMS) (b)(6); (b)(7)(C); @usms.doj.gov> (b)(6);
(b)(6); USMS) (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); USMS) (b)(6); @usms.doj.gov> (b)(6);
(b)(6); USMS) (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); USMS) (b)(6); @usms.doj.gov>
Subject: FW: BOP Plan for Additional Detention Space

Good Afternoon USMs and Chiefs,

The BOP has provided a tentative plan to assist the USMS with housing prisoners due to the implementation of the Executive Order barring the use of private detention facility contracts. The attached chart along with some bullets below regarding specific facilities is provided for your review. Let me know if you have any questions or concerns with the BOP plan. With all of these facilities transportation and VTC capabilities have been taken into account.

We have already begun working with some of your districts on assisting you with formulating a plan (E/NY, SNY, MT), to move your prisoners to local and nearby IGAs. If we have not already begun working with you please provide me a POC so we can begin working with you. Thank you very much

Below is the BOP plan to assist the USMS with housing prisoners in their facilities due to the private facilities being closed down by the Executive Order. A few points to take into account are listed below:

- **Queens – BOP will work with MDC Brooklyn and MCC New York to take the prisoners that E/NY and S/NY cannot house in Essex, Suffolk and any other local IGAs.**
- **Crossroads – The only thing BOP can offer is SeaTac. The district appears to have been able to find additional space in some local IGAs.**
- **NEOCC – BOP will move prisoners out of Lewisburg (about 4 hours away from N/OH) to make room for the majority of the prisoners from N/OH. We can use some of the local IGAs for however many pretrial they will house and then the rest will be at Lewisburg that has VTC capabilities.**
- **West TN – BOP has a facility in Memphis that we already have some bed space at and BOP can/will convert much of the rest of the facility to take our prisoners.**
- **Willacy – BOP has a facility in 3 Rivers, Texas (2 ½ hours away) that they can move prisoners out of and make it available to the USMS.**
- **Western/Otay/El Centro – BOP will/can move prisoners out of Victorville and convert the facility for our use.**
- **Leavenworth – BOP will/can move prisoners out of their Leavenworth facility and make room for ours.** (b)(7)(E)

(b)(7)(E)

USMS Contract Facility	Expiration Date	Current USMS Population	Recommended BOP Facility	Current BOP Population
Queens Detention Center	4/1/2021	155	(b)(7)(E)	***
Crossroads Correctional Center	4/30/2021	93	(b)(7)(E)	***
Northeast Ohio Correctional Center	5/28/21	706	(b)(7)(E)	531
		954		
West Tennessee Detention Center	9/30/2021	480	(b)(7)(E)	875
Willacy County Regional Detention Center	9/30/2021	620	(b)(7)(E)	896
Western Region Detention Facility	9/30/2021	520	(b)(7)(E)	426
Otay Mesa Detention Center	12/19/2021	439	(b)(7)(E)	***
El Centro Detention Center	12/22/2021	383	(b)(7)(E)	***
Leavenworth Detention Center	12/31/2021	900	(b)(7)(E)	1275
		3,342		
(9)	TOTAL	4,296	TOTAL	4,003

From: (b)(6); (USMS)
To: (b)(6); (USMS); (b)(6); (b)(7)(C); (USMS); (b)(6); (b)(7)(C); USMS-CA/S
Cc: (b)(6); (b)(7)(C); (USMS)
Subject: RE: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities
Date: Thursday, March 18, 2021 7:18:38 AM

Good morning All

I pray that you are doing well!

In addition to your initial drawdown plan requested by 3/19/21, please include the following:

1. Facility Name/Drawdown Date
2. District
3. District population in the facility
4. Population that has been designated in the facility
5. Current plan on where the prisoners will be moved
6. Any issues (not enough beds, transportation problems etc...)
7. District response to the proposed BOP beds given to the Chiefs yesterday

Thank you

V/R

(b)(6); (b)(7)(C); (b)(7)(F)
USMS-HQS-POD-ODO
(b)(6); (b)(7)(C); @usdoj.gov
(b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C); (USMS)
Sent: Wednesday, March 10, 2021 5:03 PM
To: (b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov>; (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
(b)(6); (b)(7)(C); @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); USMS-CA/S (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (USMS)
(b)(6); @usms.doj.gov> (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (USMS)
(b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F)
(USMS) (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov>; (b)(6);
(b)(6); USMS) (b)(6); (b)(7)(C); @usms.doj.gov> (b)(6); (b)(7)(C); USMS) (b)(6); @usms.doj.gov>
Subject: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities
Importance: High

Chief's

Good afternoon, I pray that you are all doing well!

Consistent with the email notification Memorandum dated March 4, 2021, from Assistant Director John P. Sheehan, Prisoner Operations Division, regarding an Update on Executive

Order Eliminating the Use of Privately Operated Criminal Detention Facilities, I have been tasked to support your district during the planning process for the potential draw down and relocation of our prisoner populations and operations at the facilities referenced below.

- Western Region Detention Facility (Option/Expiration: 9/30/21)
- El Centro Detention Facility (Option/ Expiration: 12/21/21)
- Otay Mesa Detention Center (Option/Expiration: 12/19/21)

To begin this process, I am respectfully requesting an initial draft of a draw down plan be submitted to POD-Detention Operations by **Friday 3/19/21** for your district which should include:



POD will begin coordinating with the Office of Transportation and JPATS for the potential needs for post sentence movements out of the district leading up to the first facility (Western Region Detention Facility: 9/30/21) draw down and exit. Based upon your plan, POD will also be engaging the BOP alternatives and options identified in your plan.

I am readily available for you to discuss any matters regarding this pre-planning phase. Please feel free to reach out to me at your discretion.

Thank you

(b)(6); (b)(7)(C); (b)(7)(F)

USMS-HQS-POD-ODO

(b)(6); (b)(7)(C); (b)(7)(F) [\[redacted\]@usdoj.gov](mailto:[redacted]@usdoj.gov)

(b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C); USMS)
To: (b)(6); USMS)
Cc: (b)(6); (b)(7)(C); USMS); (b)(6); (b)(7)(C); USMS)
Subject: RE: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities
Date: Thursday, March 18, 2021 10:37:40 AM

Chief here is the answers we have up to now.

1. Facility Name/Drawdown Date
 - Western Region Detention Facility (Option/Expiration: 9/30/21)
2. District
 - Southern California
3. District population in the facility
 - 501
4. Population that has been designated in the facility
 - 18
5. Current plan on where the prisoners will be moved
 - Victorville FCI, Santa Ana County Jail, Orange County may be able to house.
6. Any issues (not enough beds, transportation problems etc...)
 - Not enough beds as S/CA has three large facilities closing this year.
 - Santa Ana County Jail and Victorville do not have transport, (b)(7)(E) will have to provide transport for court operations. (b)(7)(E) will also have to provide medical transport and guard coverage.
7. District response to the proposed BOP beds given to the Chiefs yesterday
 - Victorville can house pretrial and post-trial. USMS would have to supply all transport through (b)(7)(E) contract.

1. Facility Name/Drawdown Date
 - El Centro Detention Facility (Option/ Expiration: 12/21/21)
2. District
 - Southern California
3. District population in the facility
 - 385
4. Population that has been designated in the facility

- 13
5. Current plan on where the prisoners will be moved
 - Victorville FCI, Santa Ana County Jail, Orange County may be able to house.
 6. Any issues (not enough beds, transportation problems etc...)
 - Not enough beds as S/CA has three large facilities closing this year.
 - Santa Ana County Jail and Victorville do not have transport, (b)(7)(E) will have to provide transport for court operations. (b)(7)(E) will also have to provide medical transport and guard coverage.
 7. District response to the proposed BOP beds given to the Chiefs yesterday
 - Victorville can house pretrial and post-trial. USMS would have to supply all transport through (b)(7)(E) contract.

1. Facility Name/Drawdown Date
 - Otay Mesa Detention Center (Option/Expiration: 12/19/21)
2. District
 - Southern California
3. District population in the facility
 - 487
4. Population that has been designated in the facility
 - 12
5. Current plan on where the prisoners will be moved
 - Victorville FCI, Santa Ana County Jail, Orange County may be able to house.
6. Any issues (not enough beds, transportation problems etc...)
 - Not enough beds as S/CA has three large facilities closing this year.
 - Santa Ana County Jail and Victorville do not have transport, (b)(7)(E) will have to provide transport for court operations. (b)(7)(E) will also have to provide medical transport and guard coverage.
7. District response to the proposed BOP beds given to the Chiefs yesterday
 - Victorville can house pretrial and post-trial. USMS would have to supply all transport through (b)(7)(E) contract.

Thank You!

(b)(6); (b)(7)(C); (b)(7)(F)
Deputy US Marshal
S/CA San Diego
Ph: (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C); (b)(7)(F) USMS (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Sent: Thursday, March 18, 2021 8:13 AM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Subject: Fwd: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities

Gents. Can you get the answers to 1-6 so I can add it to the rest of POD's questions? Thanks

(b)(6); (b)(7)(C); (b)(7)(F)
Assistant Chief Deputy U.S. Marshal
USMS Southern District of CA
(b)(6); (b)(7)(C)

Begin forwarded message:

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Date: March 18, 2021 at 07:18:37 PDT
To: (b)(6); (b)(7)(C); (b)(7)(F) USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>, (b)(6); (b)(7)(C); (b)(7)(F) USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) USMS-CA/S)" (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (b)(7)(F) USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Subject: RE: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities

Good morning All

I pray that you are doing well!

In addition to your initial drawdown plan requested by 3/19/21, please include the following:

1. Facility Name/Drawdown Date
 - Otay Mesa Detention Center (Option/Expiration: 12/19/21)
2. District
 - Southern California
3. District population in the facility

4. Population that has been designated in the facility
 - 12
5. Current plan on where the prisoners will be moved
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 - Not enough beds as S/CA has three large facilities closing this year.
 - Santa Ana County Jail and Victorville do not have transport, (b)(7)(E) will have to provide transport for court operations. (b)(7)(E) will also have to provide medical transport and guard coverage.
7. District response to the proposed BOP beds given to the Chiefs yesterday

Thank you

V/R

(b)(6); (b)(7)(C); (b)(7)(F)
 USMS-HQS-POD-ODO
 (b)(6); (b)(7)(C); (b)(7)(F) @usdoj.gov
 (b)(6); (b)(7)(C)

From (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Sent: Wednesday, March 10, 2021 5:03 PM
To (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
 (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Cc (b)(6); (b)(7)(C); (b)(7)(F) USMS-CA/S (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
 (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
 (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) USMS (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>;
 (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
 (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) USMS (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>;
 (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Subject: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities
Importance: High

Chief's

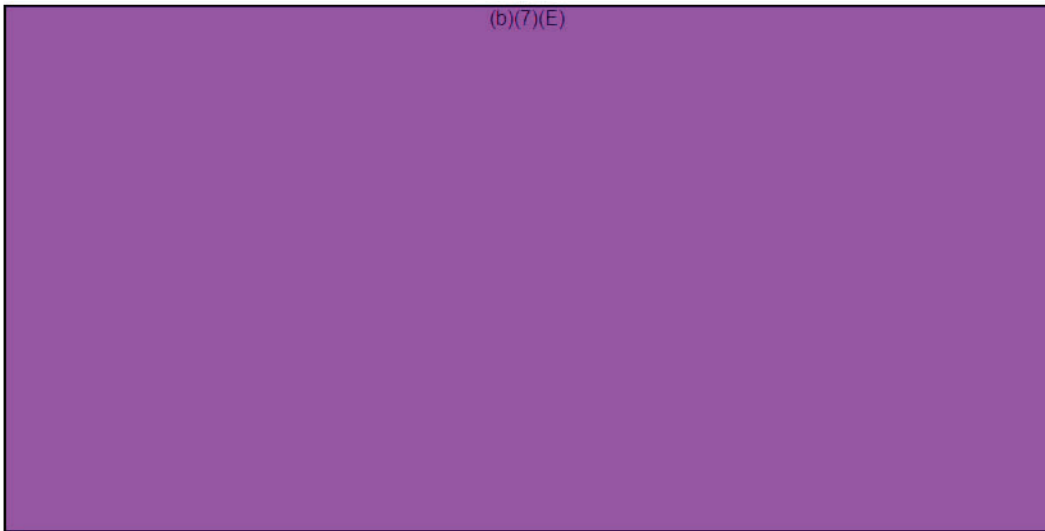
Good afternoon, I pray that you are all doing well!

Consistent with the email notification Memorandum dated March 4, 2021, from

Assistant Director John P. Sheehan, Prisoner Operations Division, regarding an Update on Executive Order Eliminating the Use of Privately Operated Criminal Detention Facilities, I have been tasked to support your district during the planning process for the potential draw down and relocation of our prisoner populations and operations at the facilities referenced below.

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POD will begin coordinating with the Office of Transportation and JPATS for the potential needs for post sentence movements out of the district leading up to the first facility (Western Region Detention Facility: 9/30/21) draw down and exit. Based upon your plan, POD will also be engaging the BOP alternatives and options identified in your plan.

I am readily available for you to discuss any matters regarding this pre-planning phase. Please feel free to reach out to me at your discretion.

Thank you

(b)(6); (b)(7)(C); (b)(7)(F)
USMS-HQS-POD-ODO
(b)(6); (b)(7)(C); @usdoj.gov
(b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C); (USMS)
To: (b)(6); (b)(7)(C); (USMS)
Cc: (b)(6); (b)(7)(C); (USMS); (b)(6); (USMS)
Subject: Re: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities
Date: Thursday, March 18, 2021 1:21:02 PM

We are finalizing everything right now and will have it back to you by the end of the day.
Thank you

(b)(6); (b)(7)(C); (b)(7)(F)
Assistant Chief Deputy
U.S. Marshals Service
Southern District of California
(b)(6); (b)(7)(C)

On Mar 18, 2021, at 1:17 PM (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
(b)(6); (b)(7)(C); <@usms.doj.gov> wrote:

Good Afternoon Chief,
We have to provide information to the Office of the Deputy Attorney General by tomorrow. Can you provide answers for the following questions as soon as possible. If you have questions please call me at (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C); (USMS)
Sent: Thursday, March 18, 2021 10:19 AM
To: (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); <@usms.doj.gov>; (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
(b)(6); (b)(7)(C); <@usms.doj.gov>; (b)(6); (b)(7)(C); USMS-CA/S) <(b)(6); @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); <@usms.doj.gov>
Subject: RE: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities

Good morning All

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Thank you

V/R

(b)(6); (b)(7)(C); (b)(7)(F)
USMS-HQS-POD-ODO
(b)(6); (b)(7)(C); @usdoj.gov
(b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C); USMS)
Sent: Wednesday, March 10, 2021 5:03 PM
To: (b)(6); (b)(7)(C); (USMS (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
(b)(6); (b)(7)(C); @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); USMS-CA/S (b)(6); (b)(7)(C); @usms.doj.gov>; (b)(6); (b)(7)(C); (USMS)
(b)(6); @usms.doj.gov> (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); USMS)
(b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>;
(b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); USMS)
(b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>;
(b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov>
Subject: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities
Importance: High

Chief's

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(b)(7)(E)

(b)(7)(E)

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Thank you

(b)(6); (b)(7)(C); (b)(7)(F)

USMS-HQS-POD-ODO

(b)(6); (b)(7)(C); (b)(7)(F) [@usdoj.gov](mailto:POD@usdoj.gov)

(b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C); (USMS)
To: (b)(6); (b)(7)(C); (USMS)
Cc: Stafford, Steve (USMS); (b)(6); (USMS)
Subject: RE: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities
Date: Thursday, March 18, 2021 1:28:18 PM

Thank you very much.

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) <(b)(6); (b)(7)(C); (b)(7)(F)@usms.doj.gov>
Sent: Thursday, March 18, 2021 4:21 PM
To: (b)(6); (b)(7)(C); (USMS) <(b)(6); (b)(7)(C); (b)(7)(F)@usms.doj.gov>
Cc: Stafford, Steve (USMS) <(b)(6); (b)(7)(C); (b)(7)(F)@usms.doj.gov>; (b)(6); (b)(7)(C); (USMS) <(b)(6); (b)(7)(C); (b)(7)(F)@usms.doj.gov>
Subject: Re: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities

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(b)(6); (b)(7)(C); (b)(7)(F)
Assistant Chief Deputy
U.S. Marshals Service
Southern District of California
(b)(6); (b)(7)(C)

On Mar 18, 2021, at 1:17 PM (b)(6); (b)(7)(C); (b)(7)(F) (USMS) <(b)(6); (b)(7)(C); (b)(7)(F)@usms.doj.gov> wrote:

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From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Sent: Thursday, March 18, 2021 10:19 AM
To: (b)(6); (b)(7)(C); (USMS) <(b)(6); (b)(7)(C); (b)(7)(F)@usms.doj.gov>; (b)(6); (b)(7)(C); (b)(7)(F) (USMS) <(b)(6); (b)(7)(C); (b)(7)(F)@usms.doj.gov>; (b)(6); (b)(7)(C); (b)(7)(F) (USMS) <(b)(6); (b)(7)(C); (b)(7)(F)@usms.doj.gov>; (b)(6); (b)(7)(C); (b)(7)(F) (USMS) <(b)(6); (b)(7)(C); (b)(7)(F)@usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) <(b)(6); (b)(7)(C); (b)(7)(F)@usms.doj.gov>
Subject: RE: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities

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1. Facility Name/Drawdown Date

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5. Current plan on where the prisoners will be moved
6. Any issues (not enough beds, transportation problems etc...)
7. District response to the proposed BOP beds given to the Chiefs yesterday

Thank you

V/R

(b)(6); (b)(7)(C); (b)(7)(F)
 USMS-HQS-POD-ODO
 (b)(6); (b)(7)(C); @usdoj.gov
 (b)(6); (b)(7)(C)

From (b)(6); (b)(7)(C); (USMS)
Sent: Wednesday, March 10, 2021 5:03 PM
To (b)(6); (b)(7)(C); (USMS); (b)(6); @usms.doj.gov; (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
 (b)(6); (b)(7)(C); @usms.doj.gov
Cc (b)(6); (b)(7)(C); USMS-CA/S; (b)(6); @usms.doj.gov; (b)(6); (b)(7)(C); USMS)
 (b)(6); @usms.doj.gov; (b)(6); @usms.doj.gov; (b)(6); (b)(7)(C); USMS)
 (b)(6); @usms.doj.gov; (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); @usms.doj.gov;
 (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); @usms.doj.gov; (b)(6); (b)(7)(C); (USMS)
 (b)(6); @usms.doj.gov; (b)(6); (b)(7)(C); (b)(7)(F) USMS; (b)(6); (b)(7)(C); @usms.doj.gov;
 (b)(6); (b)(7)(C); USMS; (b)(6); @usms.doj.gov
Subject: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities
Importance: High

Chief's

Good afternoon, I pray that you are all doing well!

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- Western Region Detention Facility (Option/Expiration: 9/30/21)
- El Centro Detention Facility (Option/Expiration: 12/21/21)
- Otay Mesa Detention Center (Option/Expiration: 12/19/21)

To begin this process, I am respectfully requesting an initial draft of a draw down plan be submitted to POD-Detention Operations by ***Friday 3/19/21*** for your

district which should include:



POD will begin coordinating with the Office of Transportation and JPATS for the potential needs for post sentence movements out of the district leading up to the first facility (Western Region Detention Facility: 9/30/21) draw down and exit. Based upon your plan, POD will also be engaging the BOP alternatives and options identified in your plan.

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USMS-HQS-POD-ODO
(b)(6); (b)(7)(C); usdoj.gov
(b)(6); (b)(7)(C)

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From: (b)(6); USMS
To: (b)(6); (b)(7)(C); USMS
Cc: Stafford, Steve (USMS); (b)(6); (b)(7)(C); USMS-CA/S); (b)(6); (b)(7)(C); USMS); (b)(6); (USMS); (b)(6); (b)(7)(C); USMS)
Subject: RE: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities
Date: Thursday, March 18, 2021 2:07:25 PM

Chief (b)(6); (b)(7)(C);

Please find the response drafted by the District of Southern California reflecting the input of district management and the detention management teams to questions posed by POD. Please let me know if you have any questions.

To begin this process, I am respectfully requesting an initial draft of a draw down plan be submitted to POD-Detention Operations by Friday 3/19/21 for your district which should include:

(b)(7)(E)

- Orange County Jail (C/CA) has agreed to house 200 males after May 2021. An IGA already exists.
- Santa Ana Jail (C/CA) has agreed to house 100 males. An IGA already exist.
- We have reached out to the following and will update on responses: San Bernardino County and Imperial County.
- USM Stafford has already had a conversation with Sheriff (b)(6); (b)(7)(C); Sheriff (b)(6); (b)(7)(C); relayed that San Diego County does not have any bedspace available for USMS usage other than an occasional overnight prisoner when needed.

(b)(7)(E)

- Victorville houses pretrial inmates for S/CA with (b)(7)(E) and Investigation (b)(7)(E) transporting. Increasing population there would require more support from (b)(7)(E)

(b)(7)(E)

- We currently are moving post sentenced inmates to CCA Central Arizona.
- We also performing occasional JPATS bus trips to (b)(7)(E)

(b)(7)(E)

- We currently use (b)(7)(E) transport to bring inmate for court from Santa Ana County Jail. (b)(7)(E) would be needed take over these transports.

(b)(7)(E)

- (b)(7)(E) will have to expand transport services to bring inmates from Santa Ana Jail to Court.
- (b)(7)(E) will also have to expand to support increase in USMS population at FCI Victorville. This would require at a minimum a (b)(7)(E)

(b)(7)(E)

- MCC does not accept or house any inmates that cannot go up and down stairs un-assisted.

- MCC does not house female (b)(7)(E) as of now only GEO San Diego and San Luis Detention can house female (b)(7)(E) for S/CA.

- (b)(5) Deliberative Process Privilege; (b)(7)(E)

(b)(7)(E)

- The Southern District of California currently houses prisoners at the Western Region Detention Facility, Otay Mesa Detention Center, El Centro Detention Center, and the San Luis Detention Center. Since BOP Victorville is POD's solution to housing all S/CA private facility prisoners, POD should provide solutions to the following issues:

- During the temporary COVID restrictions and reductions, the average daily prisoner population at these facilities are approximately 1,650. During the time period prior to COVID, all S/CA available detention beds in private facilities were completely full. When all S/CA current private detention beds are full, the average daily prisoner population at these facilities is over 2,300.

- (b)(5) Deliberative Process Privilege; (b)(7)(E)
-
-
-
-
-
-

separation prior to 9AM Court hearings.

- They will stay (b)(7)(E) and then transported at (b)(7)(E) to the Victorville facility. They will be provided with BOP bagged sandwiches for breakfast, lunch, and dinner.

- (b)(5) Deliberative Process Privilege; (b)(7)(E)

In addition to your initial drawdown plan requested by 3/19/21, please include the following (Otay Mesa – El Centro – Western Regional)

1. Facility Name/Drawdown Date:

- Otay Mesa – 12/19/2021
- El Centro – 12/21/2021
- Western Regional – 9/30/2021

2. District

- Southern District of California

3. District population in the facility

- Otay Mesa - 487
- El Centro – 385
- Western Regional - 501

4. Population that has been designated in the facility

- Otay Mesa - 12
- El Centro - 13
- Western Regional- 18

5. Current plan on where the prisoners will be moved:

- Currently aside from the small increases in Santa Ana, Orange County and potential small number of beds in other state and local facilities, no other plans are available barring a significant increase of bed space in BOP facilities.

6. Any issues (not enough beds, transportation problems etc...)

- Geo/Western Regional is the cornerstone of short-term prisoner problem correction. separatees, medical issues, missed MCC booking windows and new arrests are housed at the facility. Removal of this option and reliance on FCI Victorville would add additional burden to the District, including but not limited to a (b)(7)(E) hour round trip drive to house a prisoner.
- Santa Ana County Jail and Victorville do not have transport, (b)(7)(E) will have to provide transport for court operations. (b)(7)(E) will also have to provide medical transport and guard coverage.

7. District response to the proposed BOP beds given to the Chiefs yesterday:

- It will take significant coordination between the USMS and BOP at the Headquarters level to arrange for FCI Victorville to house the current count of 2,164 prisoners housed at

private facilities. As stated, there have been numerous instances when Headquarters has believed it has negotiated a bed space level with BOP facilities and they have simply not honored the designated space availability or have shut down new prisoner admissions entirely.

- This number reflects current Covid-19 bed space availability and would potentially see a significant increase were the District return to pre-Covid-19 pandemic number.

(b)(6); (b)(7)(C);
(b)(7)(F)

Assistant Chief Deputy U.S. Marshal
US Marshals Service
Southern District of California

(b)(6); (b)(7)(C)
(c)

Mailing Address:

US Marshals Service
333 W. Broadway, Suite 100
San Diego, CA 92101

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>
Sent: Thursday, March 18, 2021 1:28 PM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>
Cc: Stafford, Steve (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>; (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>
Subject: RE: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities

Thank you very much.

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>
Sent: Thursday, March 18, 2021 4:21 PM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>
Cc: Stafford, Steve (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>; (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>
Subject: Re: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities

We are finalizing everything right now and will have it back to you by the end of the day. Thank you

(b)(6); (b)(7)(C); (b)(7)(F)

Assistant Chief Deputy
U.S. Marshals Service
Southern District of California

(b)(6); (b)(7)(C)

On Mar 18, 2021, at 1:17 PM, (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C) @usms.doj.gov> wrote:

Good Afternoon Chief,

We have to provide information to the Office of the Deputy Attorney General by tomorrow. Can you provide answers for the following questions as soon as possible. If you have questions please call me at (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)

Sent: Thursday, March 18, 2021 10:19 AM

To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) (USMS)

(b)(6); (b)(7)(C); @usms.doj.gov> (b)(6); (b)(7)(C); (USMS-CA/S) (b)(6); (b)(7)(C); @usms.doj.gov>

Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>

Subject: RE: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities

Good morning All

I pray that you are doing well!

In addition to your initial drawdown plan requested by 3/19/21, please include the following:

1. Facility Name/Drawdown Date
2. District
3. District population in the facility
4. Population that has been designated in the facility
5. Current plan on where the prisoners will be moved
6. Any issues (not enough beds, transportation problems etc...)
7. District response to the proposed BOP beds given to the Chiefs yesterday

Thank you

V/R

(b)(6); (b)(7)(C); (b)(7)(F)
USMS-HQS-POD-ODO
(b)(6); (b)(7)(C); @usdoj.gov
(b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)

Sent: Wednesday, March 10, 2021 5:03 PM

To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS)

(b)(6); (b)(7)(C); @usms.doj.gov>

Cc: (b)(6); (b)(7)(C); (USMS-CA/S) (b)(6); (b)(7)(C); @usms.doj.gov>; (b)(6); (b)(7)(C); (b)(7)(F) (USMS)

(b)(6); (b)(7)(C); @usms.doj.gov (b)(6); (b)(7)(C); @usms.doj.gov>; (b)(6); (b)(7)(C); (USMS)
(b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>;
(b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); @usms.doj.gov> (b)(6); (b)(7)(C); (USMS)
(b)(6); (b)(7)(C); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>;
(b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>

Subject: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities

Importance: High

Chief's

Good afternoon, I pray that you are all doing well!

Consistent with the email notification Memorandum dated March 4, 2021, from Assistant Director John P. Sheehan, Prisoner Operations Division, regarding an Update on Executive Order Eliminating the Use of Privately Operated Criminal Detention Facilities, I have been tasked to support your district during the planning process for the potential draw down and relocation of our prisoner populations and operations at the facilities referenced below.

- Western Region Detention Facility (Option/Expiration: 9/30/21)
- El Centro Detention Facility (Option/ Expiration: 12/21/21)
- Otay Mesa Detention Center (Option/Expiration: 12/19/21)

To begin this process, I am respectfully requesting an initial draft of a draw down plan be submitted to POD-Detention Operations by **Friday 3/19/21** for your district which should include:



POD will begin coordinating with the Office of Transportation and JPATS for the potential needs for post sentence movements out of the district leading up to the first facility (Western Region Detention Facility: 9/30/21) draw down and exit. Based upon your plan, POD will also be engaging the BOP alternatives and options identified in your plan.

I am readily available for you to discuss any matters regarding this pre-planning

phase. Please feel free to reach out to me at your discretion.

Thank you

(b)(6); (b)(7)(C); (b)(7)(F)

USMS-HQS-POD-ODO

(b)(6); (b)(7)(C); @usdoj.gov

(b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C); USMS)
To: CAS-ALL (USMS)
Subject: No Discussion of the Executive Order regarding private contract jails- PLEASE READ
Date: Thursday, April 8, 2021 5:44:25 PM
Importance: High

All,

USMS Headquarters and Prisoner Operations Division (POD) in particular have asked all USMS offices to NOT discuss the Executive Order regarding private contract jails with anyone outside the US Marshals Service. While we understand that all of you have a direct interest in the order we must abide by their guidance. While you may know some staff at one of the facilities, none of us, myself included, are informed enough to speak on the topic. There are a lot of people whose livelihood will be effected if these facilities start to shut down, let's not let a rumor from one of our USMS staff members or offices be the cause of stress to these facilities and their workers.

I hope you all understand that any decision on this matter has been and will continue to be handled by USMS Headquarters staff as this is a "National" issue. We are not the only District dealing with this.

S/CA Management will put out any information that we are allowed to when HQ sends it to us. I assure you we do not control this ultimate decision to close or not to close these facilities and therefore we should not gossip about it.

Thank you all for your adherence to this guidance and we along with all of you will await any updates from Washington DC.

(b)(6); (b)(7)(C); (b)(7)(F)
Assistant Chief Deputy
U.S. Marshals Service
Southern District of California

(b)(6); (b)(7)(C)

From: (b)(6), (b)(7)(C); (USMS)
To: (b)(6); (USMS)
Subject: FW: EO Status Update
Date: Friday, April 9, 2021 9:04:05 PM

FYI...I will be calling into this Monday morning. He may ask you to join him in the conf room. Not sure why he wouldn't just add us both.

-----Original Message-----

From: Stafford, Steve (USMS) (b)(6), (b)(7)(C); @usms.doj.gov>
Sent: Friday, April 9, 2021 7:08 PM
To: (b)(6); (USMS) (b)(6); @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (b)(7)(F); (USMS) (b)(6), (b)(7)(C); @usms.doj.gov>; Sawyer, Aaron (USMS) (b)(6); @usms.doj.gov> (b)(6), (b)(7)(C); USMS-CA/S) (b)(6); @usms.doj.gov>
Subject: Re: EO Status Update

(b)(6);
(b)(7)(C);

(b)(6); will be on AL and traveling. He will probably be unavailable.

I will be available at 10:30 AM PDT on Monday to call into a conference call. I have spoken to CDUSM (b)(6); (b)(6); and he will also be able to fit in a call at that time. We will both be calling in remotely. Please send us a confirmation and the number to call.

Thank you.

Steve Stafford

> On Apr 9, 2021, at 1:47 PM, (b)(6), (USMS) (b)(6); @usms.doj.gov> wrote:
>

From: [Stafford, Steve \(USMS\)](#)
To: (b)(6); (b)(7)(C); (b)(7)(F); USMS
Subject: Fwd: S/CA Placeholder
Date: Monday, April 12, 2021 9:06:26 AM

Meeting at 10:30AM

Begin forwarded message:

From: (b)(6); (b)(7)(C); (b)(7)(F); (USMS)" (b)(6); @usms.doj.gov>
Date: April 12, 2021 at 4:31:38 AM PDT
To: "Sawyer, Aaron (USMS)" (b)(6); @usms.doj.gov>, (b)(6); (b)(7)(C); (USMS-CA/S)" (b)(6); @usms.doj.gov>, "Stafford, Steve (USMS)" (b)(6); @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (b)(7)(F); (USMS)" (b)(6); (b)(7)(C); @usms.doj.gov>
Subject: S/CA Placeholder

Gentlemen,
I'm going to try this as a MS Teams meeting, which I've found to be a little better than Skype and Teleconference. Let me know if using Teams will be an issue and I can switch to phone.

Best,
(b)(6);

Join Microsoft Teams Meeting<<https://gov.teams.microsoft.us/l/meetup->

(b)(7)(E)

Learn more about Teams<<https://aka.ms/JoinTeamsMeeting>>

From: (b)(6); (USMS)
To: (b)(6); (USMS)
Subject: RE: Question
Date: Friday, June 11, 2021 8:48:22 AM

Is this a pass through IGA run by a private or a full private?

From: (b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov>
Sent: Friday, June 11, 2021 11:47 AM
To: (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>
Subject: Question

I forgot to ask what the status of San Luis DC in Arizona was. Is it off the draw down list as well?
Thanks.

(b)(6); (b)(7)(C);
(b)(7)(F)
Assistant Chief Deputy U.S. Marshal
US Marshals Service
Southern District of California

(b)(6); (b)(7)(C) (o)
(c)

Mailing Address:
US Marshals Service
333 W. Broadway, Suite 100
San Diego, CA 92101

From: (b)(6); (b)(7)(C); (USMS)
To: (b)(6); (USMS)
Subject: RE: Question
Date: Friday, June 11, 2021 8:54:32 AM

(b)(6);
(b)(7)(C);

I was advised that San Luis Detention Center is not on the drawdown list at this time.

From: (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>
Sent: Friday, June 11, 2021 11:47 AM
To: (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>
Subject: Question

I forgot to ask what the status of San Luis DC in Arizona was. Is it off the draw down list as well?
Thanks.

(b)(6); (b)(7)(C);
(b)(7)(F)
Assistant Chief Deputy U.S. Marshal
US Marshals Service
Southern District of California

(b)(6); (b)(7)(C); (o)
(c)

Mailing Address:
US Marshals Service
333 W. Broadway, Suite 100
San Diego, CA 92101

Loss of Western Regional Detention Facility Transportation Request for the Southern District of California (S/CA)

Trip Location/Type	Frequency	Capacity	Est Miles (round trip)	Monthly estimated miles
Southern California Transportation Requirements	(b)(7)(E)			(b)(7)(E)
(b)(7)(E)		-	-	
		40-80	298	
		40	180	
		40	180	
		40	510	
		40	228	
		40	-	
Total Monthly Miles for S/CA				

S/CA would need support for (b)(7)(E) trips from (b)(7)(E) for courts (b)(7)(E) 40 capacity, 298 miles round trip). Mileage would be (b)(7)(E) monthly should 1 bus be needed.

S/CA would need support for (b)(7)(E) trips to and from (b)(7)(E) for courts (b)(7)(E) 40-80 capacity, 298 miles round trip) utilizing (1) bus mileage would be (b)(7)(E) monthly for court support.

S/CA would need support for prisoner movements from various facilities (b)(7)(E) Mileage could reach (b)(7)(E) miles monthly should the frequency and volume of courts increase for pick ups and drops offs to and from Santa Ana City Jail, Orange County Jail, Central Valley, and El Centro facilities.

JPATS operations are in (b)(7)(E) mileage trips to the airlift will not be significant.

From: (b)(6); (b)(7)(C); (USMS)
To: (b)(6); (USMS)
Cc: (b)(6); (b)(7)(C); (USMS)
Subject: RE: District Recommendation for Loss of Western Region - Transportation
Date: Friday, July 9, 2021 1:13:49 PM
Attachments: [District Recommendation for Loss of Western Region Transportation.docx](#)

Revised

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(C); @usms.doj.gov>
Sent: Friday, July 9, 2021 12:41 PM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(C); @usms.doj.gov>; (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(C); @usms.doj.gov>
Subject: FW: District Recommendation for Loss of Western Region - Transportation

I think included in our response is a minimum of 2 busses (with backup?) And a van for females and separations. Let me know when we are ready to send out response. Thanks.

From: (b)(6); (b)(7)(C); (USMS); (b)(6); (b)(7)(C); @usms.doj.gov>
Sent: Friday, July 9, 2021 7:57 AM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(C); @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (USMS); (b)(6); (b)(7)(C); @usms.doj.gov>; (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(C); @usms.doj.gov>
Subject: District Recommendation for Loss of Western Region - Transportation

(b)(6); (b)(7)(C);

Good morning, I pray that all is well!

I need your districts confirmation as to the numbers and trip frequency on this draft transportation needs request. Please review and confirm this information with your management and return to me today, at your earliest availability. Please use track changes on the document.

Thank you and have a great day!

(b)(6); (b)(7)(C); (b)(7)(F)
Assistant Chief
USMS-HQS-POD-ODO
(b)(6); (b)(7)(C); (b)(7)(F) @usdoj.gov
(b)(6); (b)(7)(C)

Loss of Western Regional Detention Facility Transportation Request for the Southern District of California (S/CA)

Trip Location/Type	Frequency	Capacity	Est Miles (round trip)	Monthly estimated miles
Southern California Transportation Requirements	(b)(7)(E)			(b)(7)(E)
(b)(7)(E)		-	-	
		40-80 minimum of 2 busses And a van for females and separations.	298	
		40	180	
		40	180	
		40	510	
		40	228	
		40	336	
		40	5	
Total Monthly Miles for S/CA				

S/CA would need support for (b)(7)(E) trips from (b)(7)(E) for courts (b)(7)(E) 40 capacity, 298 miles round trip). Mileage would be (b)(7)(E) monthly should 1 bus be needed.

S/CA would need support for (b)(7)(E) trips to and from (b)(7)(E) for courts (b)(7)(E) 40-80 capacity, 298 miles round trip) utilizing (1) bus mileage would be (b)(7)(E) monthly for court support.

S/CA would need support for prisoner movements from various facilities (b)(7)(E) Mileage could reach (b)(7)(E) miles monthly should the frequency and volume of courts increase for pick ups and drops offs to and from Santa Ana City Jail, Orange County Jail, Central Valley, and El Centro facilities.

JPATS operations are in (b)(7)(E) mileage trips to the airlift will not be significant.

From: (b)(6); (b)(7)(C); (USMS)
To: (b)(6); (b)(7)(C); (USMS)
Cc: (b)(6); (USMS); (b)(6); (b)(7)(C); (USMS)
Subject: RE: District Recommendation for Loss of Western Region - Transportation
Date: Friday, July 9, 2021 1:26:34 PM
Attachments: [District Recommendation for Loss of Western Region Transportation.docx](#)

Sir,

Please see attached transportation request.

Respectfully,

(b)(6); (b)(7)(C); (b)(7)(F)

Deputy U.S. Marshal

S/CA – San Diego Division

(b)(6); (b)(7)(C) (C)

From: (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C) @usms.doj.gov>
Sent: Friday, July 9, 2021 8:57 AM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>; (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Subject: District Recommendation for Loss of Western Region - Transportation

(b)(6); (b)(7)(C)

Good morning, I pray that all is well!

I need your districts confirmation as to the numbers and trip frequency on this draft transportation needs request. Please review and confirm this information with your management and return to me today, at your earliest availability. Please use track changes on the document.

Thank you and have a great day!

(b)(6); (b)(7)(C); (b)(7)(F)

Assistant Chief

USMS-HQS-POD-ODO

(b)(6); (b)(7)(C); (b)(7)(F) @usdoj.gov

(b)(6); (b)(7)(C)

Loss of Western Regional Detention Facility Transportation Request for the Southern District of California (S/CA)

Trip Location/Type	Frequency	Capacity	Est Miles (round trip)	Monthly estimated miles
Southern California Transportation Requirements	(b)(7)(E)			(b)(7)(E)
(b)(7)(E)		-	-	
		40-80 minimum of 3 buses and van for females and separations.	298	
		40	180	
		40	180	
		40	510	
		40	228	
		40	336	
		40	5	
Total Monthly Miles for S/CA				

S/CA would need support for (b)(7)(E) trips from (b)(7)(E) for courts (b)(7)(E) 40 capacity, 298 miles round trip). Mileage would be (b)(7)(E) monthly should 1 bus be needed.

S/CA would need support for (b)(7)(E) ps to and from (b)(7)(E) for courts (b)(7)(E) 40-80 capacity, 298 miles round trip) utilizing (1) bus mileage would be (b)(7)(E) monthly for court support.

S/CA would need support for prisoner movements from various facilities (b)(7)(E) Mileage could reach (b)(7)(E) miles monthly should the frequency and volume of courts increase for pick ups and drops offs to and from Santa Ana City Jail, Orange County Jail, Central Valley, and El Centro facilities.

JPATS operations are in (b)(7)(E) mileage trips to the airlift will not be significant.

From: (b)(6); (b)(7)(C); (USMS)
To: (b)(6); (b)(7)(C); (USMS)
Cc: (b)(6); (USMS); (b)(6); (b)(7)(C); (USMS)
Subject: RE: District Recommendation for Loss of Western Region - Transportation
Date: Friday, July 9, 2021 1:28:35 PM

Thank you

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>
Sent: Friday, July 9, 2021 4:27 PM
To: (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (USMS)
(b)(6); @usms.doj.gov>
Subject: RE: District Recommendation for Loss of Western Region - Transportation

Sir,
Please see attached transportation request.

Respectfully,

(b)(6); (b)(7)(C); (b)(7)(F)
Deputy U.S. Marshal
S/CA – San Diego Division
(b)(6); (b)(7)(C) (C)

From: (b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov>
Sent: Friday, July 9, 2021 8:57 AM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (USMS)
(b)(6); @usms.doj.gov>
Subject: District Recommendation for Loss of Western Region - Transportation

(b)(6);
(b)(7)(C);

Good morning, I pray that all is well!

I need your districts confirmation as to the numbers and trip frequency on this draft transportation needs request. Please review and confirm this information with your management and return to me today, at your earliest availability. Please use track changes on the document.

Thank you and have a great day!

(b)(6); (b)(7)(C); (b)(7)(F)

Assistant Chief
USMS-HQS-POD-ODO
(b)(6); (b)(7)(C); [\[REDACTED\]@usdoj.gov](mailto:[REDACTED]@usdoj.gov)
(b)(6); (b)(7)(C)

Loss of Western Regional Detention Facility Transportation Request for the Southern District of California (S/CA)

Trip Location/Type	Frequency	Capacity	Est Miles (round trip)	Monthly estimated miles
Southern California Transportation Requirements	(b)(7)(E)			(b)(7)(E)
(b)(7)(E)		-	-	
(b)(7)(E)		40-80 minimum of 5 buses and van for females and separations.	298	
(b)(7)(E)		40	180	
		40	180	
		40	510	
(b)(7)(E)		40	228	
		40	336	
		40	5	
Total Monthly Miles for S/CA				

S/CA would need support for (b)(7)(E) trips from (b)(7)(E) for courts (b)(7)(E) 40 capacity, 298 miles round trip). Mileage would be (b)(7)(E) monthly should 1 bus be needed.

S/CA would need support for (b)(7)(E) trips to and from (b)(7)(E) for courts (b)(7)(E) 40-80 capacity, 298 miles round trip) utilizing (1) bus mileage would be (b)(7)(E) monthly for court support.

S/CA would need support for prisoner movements from various facilities (b)(7)(E) Mileage could reach (b)(7)(E) miles monthly should the frequency and volume of courts increase for pick ups and drops offs to and from Santa Ana City Jail, Orange County Jail, Central Valley, and El Centro facilities.

JPATS operations are in (b)(7)(E) mileage trips to the airlift will not be significant.

From: (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>
Sent: Friday, July 9, 2021 8:57 AM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); @usms.doj.gov> (b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov>
Subject: District Recommendation for Loss of Western Region - Transportation

(b)(6); (b)(7)(C);

Good morning, I pray that all is well!

I need your districts confirmation as to the numbers and trip frequency on this draft transportation needs request. Please review and confirm this information with your management and return to me today, at your earliest availability. Please use track changes on the document.

Thank you and have a great day!

(b)(6); (b)(7)(C); (b)(7)(F)

Assistant Chief

USMS-HQS-POD-ODO

(b)(6); (b)(7)(C); @usdoj.gov

(b)(6); (b)(7)(C)

From: (b)(6), (b)(7)(C), USMS
To: (b)(6), USMS; (b)(6), (b)(7)(C); USMS
Subject: FW: IGA Letter and Chart
Date: Tuesday, August 24, 2021 9:08:23 AM
Attachments: 2021-8-17 - Joint IAM and NFFE-IAM Letter to Biden Regarding WRDF - final.pdf

From: (b)(6), (b)(7)(C) @casd.uscourts.gov>
Sent: Tuesday, August 24, 2021 9:07 AM
To: Dana Sabraw (b)(6), (b)(7)(C) @casd.uscourts.gov> (b)(6), (b)(7)(C) ODAG)
(b)(6), (b)(7)(C) @usdoj.gov>; Stafford, Steve (USMS (b)(6), (b)(7)(C); @usms.doj.gov>; (b)(6), (b)(7)(C),
(b)(6), (b)(7)(C) USMS) (b)(6), (b)(7)(C); @usms.doj.gov>
Subject: FW: IGA Letter and Chart

Please see the attached letter. Thank you.

(b)(6), (b)(7)(C)
Law Clerk to Chief Judge Dana M. Sabraw
(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C) @geogroup.com>
Sent: Tuesday, August 24, 2021 8:25 AM
To: (b)(6), (b)(7)(C) @casd.uscourts.gov>
Subject: Re: IGA Letter and Chart

CAUTION - EXTERNAL:

One additional document I thought you might find interesting.

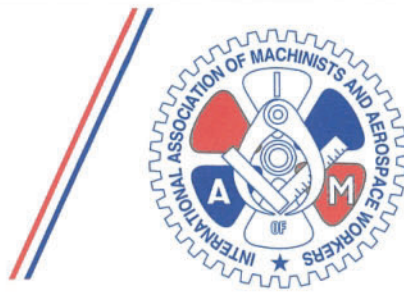
(b)(6), (b)(7)(C)
SENIOR VICE PRESIDENT, CLIENT RELATIONS

The GEO Group, Inc. ®
4955 Technology Way
Boca Raton, Florida 33441

Tel (b)(6), (b)(7)(C) • Mobile (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) @geogroup.com
www.geogroup.com

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**International
Association of
Machinists and
Aerospace Workers**



9000 Machinists Place
Upper Marlboro, Maryland 20772-2687

Area Code 301
967-4500



OFFICE OF THE INTERNATIONAL PRESIDENT

August 17, 2021

The Honorable Joseph R. Biden
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Mr. President:

On behalf of the International Association of Machinists (“IAM”) and the National Federation of Federal Employers (“NFFE-IAM”), and the hundreds of thousands of workers that we proudly represent in the United States, we write to seek your immediate assistance to save the Western Region Detention Facility (WRDF) located in downtown San Diego, California. There are approximately 300 Machinists Union and NFFE-IAM members who perform a critical function in our society by working at this facility, which is currently operating on a U.S. Marshals Service (“USMS”) contract that is set to expire on September 30, 2021. On that date, each of these 300 hard-working proud union members who are employed by GEO will lose their good-paying union jobs at one of the most difficult times imaginable. It will be simply devastating to these workers, their families, and the communities in which they live. Thankfully, it is within your power to keep this crushing closure from happening by allowing USMS to extend its contract with GEO.

We are very pleased to see that your Administration is receptive to continuing USMS contracts under certain circumstances which involve a public/private partnership, such as was done earlier this year in Youngstown, Ohio. The USMS does not have the statutory authority to own or operate detention facilities; therefore, the use of contractor owned and operated detention space is essential to the USMS’s ability to house prisoners pending adjudication. There simply is not enough bed space to accommodate the more than 23,000 USMS prisoners housed in contractor owned and operated facilities, operating under direct contract with USMS, or under contract with the state and local governments elsewhere in the system. Eliminating the bed space that private sector operators provide, and the critical jobs that 1,200 of our members perform in this industry nationwide, would severely hurt the ability of USMS to carry out its mission. Your Administration’s prudent decision to allow some USMS contracts with private sector operators to continue was essential, and we applaud it.

In that spirit, your Administration should allow USMS to extend its contract with GEO to keep the WRDF open and avert closure as the WRDF and our members provide USMS with appropriate resources to carry out their important mission. GEO was awarded the contract starting in September of 2017 and it expires in September of 2027 if all options are exercised. USMS has strongly indicated it would like to exercise those options and we ask that your Administration not stand in the way of USMS doing so.

There is little doubt that WRDF is essential to the San Diego area. In a May 6, 2021 letter from William D. Gore, the Sheriff of San Diego County to U.S. Marshals Service, Gore states, “As a former Special Agent in Charge of the San Diego FBI, I’m keenly aware of the dire need for federal detention beds in San Diego. For this and other reasons I strongly support the continued

operation of this facility at its current location. Since there are no comparable facilities in the Southwest, its closure would have a significant adverse impact on public safety in the region.”

The loss of the WRDF would have a devastating economic impact locally, over \$30 million annually. This includes the loss of approximately 300 good paying jobs. The average base rate of pay for our members at this facility is \$31.58 an hour, while the average hourly rate in San Diego is just \$23.13. This layoff would be particularly hard on these workers and this community given that the San Diego-Carlsbad, CA Metropolitan Statistical Area has one of the highest unemployment rates in the country – currently 7.0%. Allowing this closure when it could easily be averted would be nothing short of cruel and inconsistent with the values of this Administration.

Allowing the closure of the WRDF and other unionized detention facilities runs 100% counter to your commitment to help more workers in this country gain union representation. On April 26, 2021, you signed an Executive Order establishing the White House Task Force on Worker Organizing and Empowerment, which is dedicated to “mobilizing the federal government’s policies, programs, and practices to empower workers to organize and successfully bargain with their employers.” We applaud you for signing that Executive Order. However, maintaining a policy that forces the closure of union facilities like WRDF – especially a policy that is being selectively enforced – is the opposite of mobilizing federal government’s policies to empower workers to organize. During these first months of your Administration, both our unions have been organizing this industry more successfully than ever before. We urge you to stand by your commitment to help grow union representation in this country by protecting union jobs, not eliminating them.

Last Friday, layoff notices were handed out to our 300 members at WRDF. Each of them went home to their wives, husbands, and children to break the bad news that they are being laid off and that hard times are ahead.

It was a sad day for these members, but your Administration has the ability to change that. We respectfully ask that you stand with these hard-working Americans and save these 300 good union jobs.

Sincerely,



Robert Martinez, Jr.
International President
International Association of Machinists and Aerospace Workers, AFL-CIO



Randy Erwin
National President
National Federation of Federal Employees, IAMAW, AFL-CIO

have received this email in error and that any use, dissemination, forwarding, printing or copying of this email is strictly prohibited. If you have received this email in error, please immediately notify by replying to this email.

From: (b)(6); (b)(7)(C)
Sent: Thursday, August 19, 2021 3:40 PM
To (b)(6); (b)(7)(C) <(b)(6); (b)(7)(C)@casd.uscourts.gov>
Subject: IGA Letter and Chart

(b)(6); (b)(7)(C)

It was a pleasure speaking to you today. Attached are the documents we discussed. Please let me know if you have any further questions.

Regards,

(b)(6); (b)(7)(C)

SENIOR VICE PRESIDENT, CLIENT RELATIONS

The GEO Group, Inc. ®

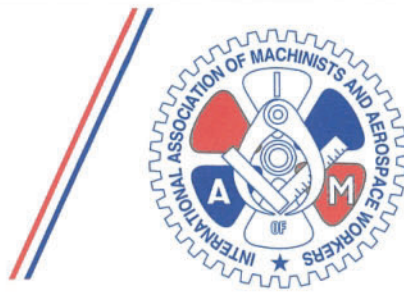
4955 Technology Way
Boca Raton, Florida 33441

Tel (b)(6); (b)(7)(C) • Mobile (b)(6); (b)(7)(C) <(b)(6); (b)(7)(C)@geogroup.com>
www.geogroup.com

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**International
Association of
Machinists and
Aerospace Workers**



9000 Machinists Place
Upper Marlboro, Maryland 20772-2687

Area Code 301
967-4500



OFFICE OF THE INTERNATIONAL PRESIDENT

August 17, 2021

The Honorable Joseph R. Biden
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Mr. President:

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In that spirit, your Administration should allow USMS to extend its contract with GEO to keep the WRDF open and avert closure as the WRDF and our members provide USMS with appropriate resources to carry out their important mission. GEO was awarded the contract starting in September of 2017 and it expires in September of 2027 if all options are exercised. USMS has strongly indicated it would like to exercise those options and we ask that your Administration not stand in the way of USMS doing so.

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Last Friday, layoff notices were handed out to our 300 members at WRDF. Each of them went home to their wives, husbands, and children to break the bad news that they are being laid off and that hard times are ahead.

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Sincerely,



Robert Martinez, Jr.
International President
International Association of Machinists and Aerospace Workers, AFL-CIO



Randy Erwin
National President
National Federation of Federal Employees, IAMAW, AFL-CIO

SCOTT H. PETERS
52ND DISTRICT, CALIFORNIA



1201 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-0508

4350 EXECUTIVE DRIVE, SUITE 105
SAN DIEGO, CA 92121
(858) 455-5550

Congress of the United States
House of Representatives
Washington, DC 20515

September 1, 2021

The Honorable Joseph R. Biden
President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear President Biden,

I write to respectfully ask you to reconsider your decision to close the Western Regional Detention facility in San Diego, California, and to save the jobs of the 300 federal workers who support this facility. These jobs with the U.S. Marshals Service are good-paying, union jobs that protect the public safety in the congressional district I represent.

While I fully support the goals of *Executive Order 14006 - Reforming Our Incarceration System to Eliminate the Use of Privately Operated Criminal Detention Facilities*, I do not believe applying this order to U.S. Marshals' facilities will serve to remedy the problems we face within our criminal justice system.

First, the Western Regional Detention Facility is not a federal prison. The men and women who work at this facility include teachers, counselors, doctors, translators, and others who are committed to providing a safe, humane, and secure facility for those awaiting trial or sentencing.

Second, closing this facility could infringe upon the rights of detainees by limiting access to legal representation and to family visitation. The next nearest USMS detention facility is 146 miles away in Victorville, CA. That is a three hour drive, or more when you factor in California traffic. This dramatically limits the ability of detainees to meet with their legal teams as they prepare for trial or sentencing hearings and makes it extremely difficult for families to visit.

Third, it is my understanding that E.O. 14006 is being selectively enforced; a contract for a similar facility in Ohio was recently extended. My office has reached out to the U.S. Department of Justice to inquire about this inconsistency.

Mr. President, I very much appreciate your commitment to fixing the problems within our criminal justice system, which includes wrongs within our prison system that must be righted. However, I do not believe this important goal is served by closing the Western Regional Detention facility. I urge you to reconsider.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott Peters", with a stylized flourish at the end.

SCOTT H. PETERS
Member of Congress

(b)(6); (b)(7)(C);
(b)(7)(F)

(USMS)

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Sent: Thursday, September 2, 2021 2:20 PM
To: Stafford, Steve (USMS); (b)(6); (b)(7)(C); (USMS); (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Subject: Rep Peters letter about GEO
Attachments: 2021-9-1 - Rep Peters Letter to Biden detention center closure.pdf

(b)(6), (b)(7)(C),
(b)(7)(F) (USMS)

From: (b)(6), (b)(7)(C),
(b)(7)(F) USMS)
Sent: Tuesday, September 7, 2021 3:40 PM
To: (b)(6), (b)(7)(C), USMS); (b)(6), (b)(7)(C); (b)(7)(F) USMS); (b)(6), (b)(7)(C); (b)(7)(F) (USMS)
Cc: (b)(6), (b)(7)(C), (USMS); (b)(6), (b)(7)(C); (b)(7)(F) (USMS); (b)(6), (b)(7)(C), USMS); (b)(6),
(b)(6), USMS); (b)(6), (b)(7)(C), USMS); (b)(6), (b)(7)(C), USMS); (b)(6), (b)(7)(C);
(USMS); (b)(6), (b)(7)(C), USMS); (b)(6), (b)(7)(C), USMS)
Subject: S/CA - Western Region Drawdown
Attachments: Detention Management Executive View (3).png

Chief's

Good afternoon, I pray that you are all well!

As discussed, POD would like to initiate a few movement actions in preparation for the drawdown date of 9/30/21. As you are aware, we are still in a holding posture with the BOP in regards to Victorville however, we anticipate a response in the coming weeks. In the meantime please do the actions referenced below which are all temporary solutions until further notice. We will regroup with what is left over for movement on 9/15:

- Move (b)(7)(F) pretrial prisoners from Western Region into Central Valley to maximize the guaranteed minimum bed space as soon as possible but no later than Friday 9/10.
- Engage Orange County as per your working relationship with that facility and advise as to how many prisoners could they potentially absorb starting on 9/15 and respond with that number. I have discussed this already with C/CA and they are aware of this action. Assistant Chief (b)(6), (b)(7)(C), (b)(7)(F) will advise as to how many beds they could potentially provide S/CA at Santa Ana as well.
- Please execute a (b)(7)(F) for every prisoner in Western Region that is sentenced and awaiting a J&C as well as those that have been convicted and awaiting designation. Please (b)(7)(F) them to CCA Arizona.

(b)(7)(E)

We are aware that MCC is in a moratorium at this time limiting the district ability to intake new arrests into MCC versus Western Region. You have advised that the BOP has referenced 9/15 as the date where they may lift or extend the moratorium. We need to find an alternate solution and stop all new intakes into Western Region as soon as possible. Please work with your team to identify an alternate intake location and advise accordingly.

Again, I have spoken with the D/AZ and the C/CA regarding utilizing bed space in their districts. For C/CA options you will move pretrial prisoners and for CCA it will be your post sentenced prisoners currently housed in Western Region.

Currently, Capture shows that you have 108 prisoners post-convicted occupying bed space at Western Region. Move them to (b)(7)(E)
(b)(7)(E) to other facilities in-district accordingly.

Lets meet on 9/9 via conference call with the status of these deliverables.

Thank you all and have an excellent afternoon!

(b)(6); (b)(7)(C); (b)(7)(F)

Assistant Chief

USMS-HQS-POD-ODO

(b)(6); (b)(7)(C); [@usdoj.gov](mailto: @usdoj.gov)

(b)(6); (b)(7)(C)

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(b)(6), (b)(7)(C), (b)(7)(F) (USMS)

From: (b)(6), (b)(7)(C), (b)(7)(F) (USMS)
Sent: Thursday, September 9, 2021 9:05 AM
To: (b)(6), (b)(7)(C), (b)(7)(F) (USMS)
Cc: (b)(6), (b)(7)(C), (b)(7)(F) (USMS); (b)(6), (b)(7)(C), (b)(7)(F) (USMS); (b)(6), (b)(7)(C), (b)(7)(F) (USMS)
Subject: Central Valley - Prisoner Movement Request

(b)(6), (b)(7)(C), (b)(7)(F)

Good morning, I pray that all is well!

As of today, you have (b)(7)(F) open beds for your use at Central Valley and (b)(7)(F) beds available at San Bern Central Detention Center (CDC). Please do the following and advise:

1. Identify (b)(7)(F) prisoners that you can move out of Western Region into Central Valley. (Note: Please be advised that the intent here is to be able to minimize your population at Western Region. If you move prisoners from other facilities into Central Valley, you need to be able to move a 1 for 1 out of Western Region to reoccupy that bed from that other facility. In essence, ultimately diminishing your population at Western Region).
2. Please send me the roster (excel) of those prisoners identified.
3. Make sure that you call and let Central Valley know that you are coming with those prisoners.
4. I need a date of when that movement will occur as soon as possible?
5. Utilize Western Region transportation and GEO Transportation to make that move.
6. Additionally, I need a second roster of (b)(7)(F) prisoners at Western Region and a date of when you will move those prisoners from Western Region to San Bern Central Detention Center (CDC) as well?

Thank you Sir and have an excellent day!

(b)(6), (b)(7)(C), (b)(7)(F)
Assistant Chief
USMS-HQS-POD-ODO
(b)(6), (b)(7)(C), (b)(7)(F) @usdoj.gov
(b)(6), (b)(7)(C)

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(b)(6); (b)(7)(C); (b)(7)(F) (USMS)

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Sent: Thursday, September 9, 2021 9:14 AM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Subject: FW: Central Valley - Prisoner Movement Request

(Note: Please be advised that the intent here is to be able to minimize your population at Western Region. If you move prisoners from other facilities into Central Valley, you need to be able to move a 1 for 1 out of Western Region to reoccupy that bed from that other facility. In essence, ultimately diminishing your population at Western Region).

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov
Sent: Thursday, September 9, 2021 10:05 AM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov
Subject: Central Valley - Prisoner Movement Request

(b)(6); (b)(7)(C); (b)(7)(F)

Good morning, I pray that all is well!

As of today, you have (b)(7)(E) open beds for your use at Central Valley and (b)(7)(E) beds available at San Bern Central Detention Center (CDC). Please do the following and advise:

1. Identify (b)(7)(E) prisoners that you can move out of Western Region into Central Valley. (Note: Please be advised that the intent here is to be able to minimize your population at Western Region. If you move prisoners from other facilities into Central Valley, you need to be able to move a 1 for 1 out of Western Region to reoccupy that bed from that other facility. In essence, ultimately diminishing your population at Western Region).
2. Please send me the roster (excel) of those prisoners identified.
3. Make sure that you call and let Central Valley know that you are coming with those prisoners.
4. I need a date of when that movement will occur as soon as possible?
5. Utilize Western Region transportation and GEO Transportation to make that move.
6. Additionally, I need a second roster of (b)(7)(E) prisoners at Western Region and a date of when you will move those prisoners from Western Region to San Bern Central Detention Center (CDC) as well?

Thank you Sir and have an excellent day!

(b)(6); (b)(7)(C); (b)(7)(F)
Assistant Chief
USMS-HQS-POD-ODO
(b)(6); (b)(7)(C); (b)(7)(F) @usdoj.gov
(b)(6); (b)(7)(C); (b)(7)(F)

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(b)(6); (b)(7)(C); (b)(7)(F) (USMS)

From: (b)(6); (b)(7)(C); (b)(7)(F) USMS)
Sent: Thursday, September 9, 2021 9:16 AM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Subject: Re: Central Valley - Prisoner Movement Request

(b)(6); (b)(7)(C)

Also, from our discussion yesterday, we need to know what if any plan has been identified to redirect new intakes to another facility such as (b)(7)(E)?

Thank you Sir

(b)(6); (b)(7)(C); (b)(7)(F)
Assistant Chief
USMS-HQS-POD-ODO
(b)(6); (b)(7)(C); (b)(7)(F) @usdoj.gov
(b)(6); (b)(7)(C)

On Sep 9, 2021, at 12:05 PM, (b)(6); (b)(7)(C); (b)(7)(F) USMS (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov> wrote:

(b)(6); (b)(7)(C)

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As of today, you have (b)(7)(F) open beds for your use at Central Valley and (b)(7)(F) beds available at San Bern Central Detention Center (CDC). Please do the following and advise:

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Thank you Sir and have an excellent day!

(b)(6); (b)(7)(C); (b)(7)(F)

Assistant Chief
USMS-HQS-POD-ODO

(b)(6); (b)(7)(C);
(b)(7)(E);
(b)(6); (b)(7)(C)
@usdoj.gov

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(b)(6); (b)(7)(C); (b)(7)(F) (USMS)

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Sent: Thursday, September 9, 2021 1:14 PM
To: (b)(6); (b)(7)(C); (USMS); (b)(6); (b)(7)(C); (b)(7)(F) USMS
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(C); (USMS)
Subject: Prisoner Transportation Services - Please Review For Concurrence

All

POD is in the continuous process of updating our Sources Sought Notice to vendors to service your districts transportation needs. Please confirm the following at your earliest availability and or add any missing locations where you would need transportation services. Please add the missing information highlighted below:

- (b)(7)(E) transportation services for the pick up of prisoners (b)(7)(E) from the custody of the Department of Homeland Security (Customs) Port of Entry located in 720 East San Isidro Blvd., San Isidro, CA and transported to (b)(7)(E)
- (b)(7)(E) transportation to and from Central Valley Annex located at 254 Taylor Ave., McFarland, CA 93250 and the USMS District office located at 333 West Broadway, San Diego, CA 92101.
- (b)(7)(E) transportation to and from BOP FCI Victorville facility located at 13777 Air Expressway Blvd., Victorville, CA 92394 and the USMS District office located at 333 West Broadway, San Diego, CA 92101.
- Transportation to and from (What facilities) for JPATS airlift airport site located at (b)(7)(E)

Thank you

(b)(6); (b)(7)(C); (b)(7)(F)
Assistant Chief
USMS-HQS-POD-ODO
(b)(6); (b)(7)(C); (b)(7)(F) @usdoj.gov
(b)(6); (b)(7)(C)

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September 21, 2021

The White House
Domestic Policy Council Office
1600 Pennsylvania Avenue
Washington, DC 20500

Via email

Re: GEO Contract at Western Region Detention Facility

To the White House Domestic Policy Council Office:

We write to urge you to take immediate action to carry out Executive Order 14006, “Reforming Our Incarceration System To Eliminate the Use of Privately Operated Criminal Detention Facilities,” by ensuring that the United States Marshals Service (“USMS”) does not permit prison corporation The GEO Group, Inc. (“GEO”) to continue operating the Western Region Detention Facility (“WRDF”).

Executive Order 14006 directs the Department of Justice to phase out reliance on privately operated criminal detention facilities, including by ordering the Attorney General not to renew contracts with such facilities. WRDF is a pre-trial federal detention facility in San Diego, California, that GEO is operating under a contract that had been set to expire on September 30, 2021. We were disappointed to learn that, rather than end GEO’s operation of the facility on that date, USMS has agreed to extend GEO’s involvement for another six months.¹ Having had months to prepare to end the contract, this last-minute extension represents a significant step backwards. It is the latest episode in what has become a disturbing pattern of schemes by private prison companies to thwart Executive Order 14006.

The extension provides GEO the opportunity to continue pursuing its ongoing plan to go around the Executive Order by paying the financially strapped City of McFarland, located 250 miles north of San Diego, \$500,000 to contract with USMS for detention services for and then to sub-contract the detention services back to GEO.² These legalistic machinations violate the fundamental legal precept that forbids accomplishing indirectly through an agent that which a rule prohibits directly. Evincing an unwavering pursuit of profit, they demonstrate the very “profit-based incentives to incarcerate”

¹ The GEO Group, Press Release, *The GEO Group Enters Into Six-Month Contract Extension with U.S. Marshalls Service for Western Region Detention Facility* (Sept. 21, 2021), available at <https://investors.geogroup.com/news-events-and-reports/investor-news/news-details/2021/The-GEO-Group-Enters-Into-Six-Month-Contract-Extension-With-U.S.-Marshalls-Service-for-Western-Region-Detention-Facility/default.aspx#investorNews>.

² Sam Morgen, *McFarland pursuing agreement with U.S. Marshals to keep private prison in San Diego open*, THE BAKERSFIELD CALIFORNIAN (Aug. 19, 2021), available at https://www.bakersfield.com/news/mcfarland-pursuing-agreement-with-u-s-marshals-to-keep-private-prison-in-san-diego-open/article_516f9208-0142-11ec-9302-0b4933c400b6.html; see also Agenda, McFarland City Council Special Meeting (August 18, 2021), available at https://www.mcfarlandcity.org/AgendaCenter/ViewFile/Agenda/_08182021-282.

animating Executive Order 14006.

Whether the extension is the result of poor planning and bureaucratic inertia in implementing the Executive Order, or a capitulation to prison companies' concerted efforts to render the Executive Order meaningless, it is an unfortunate setback that exposes serious questions whether the Administration's commitment to reduce incarceration and phase out private prisons will be proven through concrete action. We insist that the White House use this six-month period as an opportunity to wind down GEO operations at WRDF, and not to acquiesce to this brazen effort to bypass the Executive Order, as occurred earlier this year after a similar "extension" in Ohio,³ or to find new ways to line private prison pockets, as is reportedly underway in Kansas.⁴

Moreover, in light of the harms GEO has perpetrated on people detained at WRDF and the corporation's poor track record elsewhere, as illustrated by the examples below, the Administration should allow WRDF to be shut down when the current extension expires. Shuttering WRDF would represent a positive step, consistent with the Administration's stated policy to decrease incarceration levels. The White House's commitment to that policy is being tested. Now is the time to show resolve in moving it forward. We therefore ask that you intervene to prevent any further contract extension or pass-through contract for GEO to run WRDF.

I. President Biden's Executive Order

Within days of being sworn into office, President Biden issued Executive Order 14006, which recognizes the "broad consensus that our current system of mass incarceration imposes significant costs and hardships on our society and communities," "does not make us safer," and impacts "a disproportionate number of people of color."⁵ Pursuant to the Order, federal policy is "[t]o decrease incarceration levels" by reducing "profit-based incentives to incarcerate." With a goal of "phasing out the Federal Government's reliance on privately operated criminal detention facilities," the Order additionally states that "[t]he Attorney General shall not renew Department of Justice contracts with privately operated criminal detention facilities, as consistent with applicable law."

Although many advocates argued that President Biden's Executive Order did not go far enough by failing to include Department of Homeland Security ("DHS") detention,⁶ it was an important step

³ *Core Civic Expects the Contract with the United States Marshals Service at the Northeast Ohio Correctional Center Will Not be Renewed*, Global News Wire (Feb. 25, 2021) available at <https://www.globenewswire.com/en/news-release/2021/02/25/2182979/0/en/CoreCivic-Expects-the-Contract-with-the-United-States-Marshals-Service-at-the-Northeast-Ohio-Correctional-Center-Will-Not-be-Renewed.html>; Brandon Koziol, *Deal lets federal inmates stay at Youngstown private prison*, NBC 21 WFMJ (May 27, 2021); available at <https://www.wfmj.com/story/43980258/deal-lets-federal-inmates-stay-at-youngstown-private-prison>.

⁴ Carrie Johnson, *Biden Ended Contracts with Private Prisons. So One May Turn to House Immigrants*, NPR KPBS (Sept. 15, 2021), available at <https://www.npr.org/2021/09/13/1036576308/biden-ended-contracts-with-private-prisons-so-one-may-turn-to-house-immigrants>; Roxana Hegeman and Heather Hollingsworth, *White House urged to shutter privately run Kansas prison*, ASSOCIATED PRESS (Sept. 3, 2021), available at <https://apnews.com/article/prisons-kansas-202252fa64aa4979a7b0f9714f462756>

⁵ Executive Order 14006, *Reforming Our Incarceration System to Eliminate the Use of Privately Operated Criminal Detention Facilities* (January 26, 2021), available at <https://www.federalregister.gov/documents/2021/01/29/2021-02070/reforming-our-incarceration-system-to-eliminate-the-use-of-privately-operated-criminal-detention>.

⁶ Madeleine Carlisle, *'Much More Work To Be Done.'* Advocates Call for More Action Against Private Prisons After Biden's 'First Step' Executive Order, TIME MAGAZINE (Jan. 29, 2021), available at <https://time.com/5934213/private-prisons-ban-joe-biden/>.

towards curbing an industry that values profit over human life and public safety. GEO's McFarland scheme presents a vital early opportunity for the White House to reinforce the commitments made in the Executive Order and to send a clear message that the private prison industry's sustained effort to frustrate federal policy through such tactics will no longer be tolerated.

II. GEO and the City of McFarland's Plan to Thwart the Executive Order and Biden Administration Policy to Reduce Incarceration and Phase Out Reliance on Private Prisons

GEO Group is one of the largest private prison corporations in the United States, operating 114 facilities with nearly one hundred thousand beds.⁷ One such facility is WRDF in downtown San Diego, which has 770 beds for the pre-trial incarceration of people in USMS custody.⁸ GEO had been operating WRDF under a two-year option period of its contract with USMS, which was scheduled to end on September 30, 2021.⁹ We understand that USMS pays GEO nearly \$55 million a year to incarcerate presumptively innocent people at WRDF.¹⁰ Although USMS has the option to renew the GEO contract for additional optional periods until 2027, it may not do so pursuant to Executive Order 14006. Nevertheless, it was recently reported that USMS and GEO extended the contract for six months.¹¹

As a for-profit prison company seeking to continue reaping profits from U.S. taxpayers for imprisoning people, GEO is engaged in an open effort to undermine the Executive Order by encouraging the City of McFarland to enter into a contract with USMS to operate WRDF, and then to subcontract with GEO to actually operate the facility. This shell game would leave GEO in place operating WRDF, while the City of McFarland siphons half a million dollars from the contracting process for merely operating as a middleman. The six-month extension has gifted GEO an opportunity to see its plan to fruition.

On August 4, 2021, GEO CEO Jose Gordo reportedly stated on an earnings conference call that the company was in "discussions with the Marshals Service as to how to realign that contract" to operate WRDF in light of the Executive Order.¹² On August 18, 2021, the City of McFarland voted to pursue this scheme, including approval of a draft letter to John Sheehan, Assistant Director of the Prisoner Operations Division of USMS, to express the City's interest in entering into an Intergovernmental Agreement to operate WRDF.¹³ According to the City Manager, GEO originally reached out to

⁷ GEO, "Our Locations," available at <https://www.geogroup.com/Locations>. For more information on GEO, please see American Friends Service Committee, *Investigate: The GEO Group Inc.*, available at <https://investigate.afsc.org/company/geo-group>.

⁸ GEO, "Western Regional Detention Facility," available at <https://www.geogroup.com/FacilityDetail/FacilityID/37>

⁹ <https://www.businesswire.com/news/home/20210909006094/en/>.

¹⁰ See Contract Summary, PIID 15M40021FA3500005, available at https://www.usaspending.gov/award/CONT_AWD_15M40021FA3500005_1544_15M40018DA3500001_1544; see also Contract ODT-6-C-0002 at p.1, item 15A, available at <https://www.justice.gov/archive/ofdt/western-region-detention-facility.pdf>.

¹¹ GEO Press Release, *supra* n. 1.

¹² *The GEO Group's (GEO) CEO Jose Gordo on Q2 2021 Results – Earnings Call Transcript*, SEEKING ALPHA (Aug. 4, 2021), available at <https://seekingalpha.com/article/4445091-geo-groups-geo-ceo-jose-gordo-on-q2-2021-results-earnings-call-transcript>.

¹³ Morgen, *supra* n.2; see also Agenda, McFarland City Council Special Meeting (August 18, 2021), available at https://www.mcfarlandcity.org/AgendaCenter/ViewFile/Agenda/_08182021-282.

McFarland to propose the idea, and a GEO employee presented at the City Council meeting itself.¹⁴ The City estimates it would receive \$500,000 as an “administrative service fee” for serving as the pass-through contracting entity.¹⁵ Although the City of McFarland has not posted any updates on its negotiations since then, on September 9, 2021, GEO reportedly informed its investors that it is pursuing “various alternative contracting structures” to allow it to operate at WRDF notwithstanding the Executive Order.¹⁶ Now, news of the extension only furthers the goals of GEO by providing the company more time to see its plan through.

This scheme is at least the third example of a private prison company openly attempting an end-run around the Executive Order through such pass-through contracts. In March 2021, CoreCivic’s contract with USMS to run the Northeast Ohio Correctional Center was set to expire, but CoreCivic and USMS extended it, in apparent violation of the Executive Order, for 90 days.¹⁷ CoreCivic took advantage of the extra time it received through that extension. In May 2021, CoreCivic entered into a pass-through contract with Mahoning County in Ohio that allowed CoreCivic to continue incarcerating people in USMS custody at the facility, with Mahoning County reportedly siphoning about \$3 of the \$135/day price tag per incarcerated individual – potentially \$700,000 over three years – for its role as intermediary.¹⁸ Meanwhile, as noted in a letter to your office and USMS from several ACLU and Federal Public Defender offices in the region, CoreCivic has sought to enter into a pass-through contract with Leavenworth County to continue to incarcerate people in USMS custody at the Leavenworth Detention Center when the existing contract expires in December 2021.¹⁹

The GEO-McFarland scheme is particularly egregious because, unlike the above examples, McFarland is a small, remote city with no connection whatsoever to San Diego, where WRDF is located. Yet, with a population of 12,500, it seeks to continue the daily incarceration of 770 presumptively innocent people in a community 250 miles away. McFarland has engaged in similar pass-through contracts with GEO to operate an Immigration and Customs Enforcement (“ICE”) detention facility in nearby Bakersfield.²⁰ It would set a dangerous precedent to allow prison corporations to recruit far-flung municipalities to help them defy White House criminal justice policy.

With the extended USMS-GEO contract for WRDF expiring in six months, the White House must act to defeat these blatant efforts to strip the Executive Order of any meaningful impact. Rather than

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *The GEO Group Provides Update on U.S. Marshals Service Contract for Western Region Detention Facility in San Diego*, BUSINESS WIRE (Sept. 9, 2021), available at <https://www.businesswire.com/news/home/20210909006094/en/>.

¹⁷ *Core Civic Expects the Contract with the United States Marshals Service at the Northeast Ohio Correctional Center Will Not be Renewed*, Global News Wire (Feb. 25, 2021) available at <https://www.globenewswire.com/en/news-release/2021/02/25/2182979/0/en/CoreCivic-Expects-the-Contract-with-the-United-States-Marshals-Service-at-the-Northeast-Ohio-Correctional-Center-Will-Not-be-Renewed.html>.

¹⁸ Justin Dennis, *Though Biden wants to stop using them, Marshals can keep using Youngstown’s private prison*, Mahoning Matters (May 27, 2021), available at <https://www.mahoningmatters.com/local-news/though-biden-wants-to-stop-using-private-prisons-mahoning-can-keep-using-neocc-3814922>; Koziol, *supra* n. 3.

¹⁹ Letter from ACLU affiliates for Kansas, Iowa, Missouri, and Nebraska and Federal Public Defenders in Kansas, Iowa, Missouri, and Nebraska (Sept. 2, 2021), available at https://www.aclukansas.org/sites/default/files/field_documents/letter_regarding_corecivic_leavenworth_redacted.pdf.

²⁰ Rebecca Plevin, *Cash-strapped Central Valley city weighs plan to convert prisons into immigration detention centers* (Desert Sun Feb. 17, 2020), <https://www.desertsun.com/story/news/politics/immigration/2020/02/17/mcfarland-weighs-plan-convert-prisons-into-immigration-detention-centers/4718689002/>.

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. As described more fully below, with GEO's track record of harming people entrusted to its custody, including but not limited to WRDF, ending its operation of WRDF is necessary to protect the health and safety of the people detained there and to continue President Biden's goals of reducing incarceration levels and phasing out reliance on the private prison industry.

III. The White House Must Stand by the Executive Order and Prevent GEO from Continuing to Incarcerate People in USMS Custody at Western Region

President Biden issued the Executive Order precisely because of the issues inherent in allowing for-profit prison corporations to operate private detention facilities, noting that the Office of Inspector General determined such corporations fail to provide "the same levels of safety and security for people in the Federal criminal justice system or for correctional staff."²¹ In the case of GEO at WRDF and elsewhere, these harms are undoubtedly prevalent, as the company has relentlessly pursued profit and shown disregard for the wellbeing of people in its custody.

A. Dangerous Conditions and Constitutional Violations at WRDF

1. Abuse and Denial of Medical Care

We have received reports regarding GEO's frequent denial of medical care to people in USMS custody at WRDF.

- A 65-year-old individual recently held at WRDF, who had a heart arrhythmia, was diabetic, suffered from severe hearing and vision loss, and had survived a botched colon surgery that causes constant pain, was routinely denied medical care, even when his attorney would regularly email USMS and jail staff requesting such care. Although he had been hospitalized twice for a heart condition while in custody in a different facility, while in WRDF his requests for medical care regarding his heart and seeking access to insulin were consistently ignored. Although he reported that other people in custody steal his glucose meter strips, which he is unable to prevent due to his frailty, his requests were ignored. He frequently called his attorney begging for help to get taken to a hospital.²²
- In a case from this year, GEO denied medication for two weeks to a recently admitted fifty-three-year-old woman with multiple sclerosis and anxiety. She had received weekly injections for her MS since approximately 2013, but during GEO's weeks-long denial of her MS and mental health medication, she reported suffering multiple seizures at WRDF. After a hearing on the issue in which she requested to be taken to a neurologist, Magistrate Judge Anthony Battaglia ordered "the US Marshals and GEO... to schedule a neurologist follow-up appointment at the earliest available date," and to provide "physical therapy as previously prescribed along with access to the necessary equipment for the physical therapy." Rather than provide the treatment promptly, she was transferred to Santa Ana, California, reportedly "in error," according to USMS.²³

²¹ See Executive Order 14006.

²² Sentencing Memorandum, ECF 37, *United States v. Sevilla Avila*, No. 21-CR-0578-W (S.D. Cal.) (July 26, 2021).

²³ Motion for Orders Requiring Medical Care, to Show Cause Why USMS Should Not Be Held in Contempt, and to

- We learned of a 2020 case in which an individual in his 60s detained pre-trial at WRDF had fluid buildup in his lower legs that caused pain so severe he was unable to walk. Despite weeks of requests for medical care, GEO reportedly failed to provide routine treatment to prevent infection such as compression socks or regular medical appointments. His leg ultimately became severely infected, requiring his hospitalization and causing six week delay in his trial. Although he was not in a wheelchair when he was admitted to WRDF, his detention at WRDF resulted in his being wheelchair-bound at the time of his trial.²⁴
- Scott Miles Stout, a 56-year-old individual who was detained at WRDF from April to December 2018, filed a civil rights and disability discrimination lawsuit against GEO. Mr. Stout, who had suffered a broken leg prior to entering the facility, required a wheelchair and cane for mobility, but alleged that he was denied a wheelchair for six months despite his repeated requests. He also filed several grievances about accessibility to the showers, bathrooms, and community tables on the floor where GEO housed people with disabilities and serious medical conditions. Mr. Stout alleged that in response GEO guards singled him out as “the one” making the complaints and that “GEO personnel created a situation that required [him] to spend almost a week in solitary confinement” without access to his cane, wheelchair, or a shower.²⁵

These are just a few examples of the poor medical care provided by GEO to people detained at WRDF. We understand these and many more medical issues have been brought to the attention of USMS and GEO through both informal communication and court filings, but that many such cases involve filings under seal to protect the medical privacy rights of those involved.

2. Dangerous Conditions of Detention During the COVID-19 Pandemic

Reports of the conditions at WRDF have been especially troubling during the COVID-19 pandemic. There is now widespread consensus that carceral settings like WRDF present potential hotspots for COVID-19 outbreaks, requiring precautions including the reduction of incarcerated populations to permit social distancing. According to a recent study in the Journal of the American Medical Association Network, “anticontagion policies, including jail decarceration to minimize carceral outbreaks and their spillover to surrounding communities, appear to be necessary for epidemic control, public health, and mitigation of racial health disparities.”²⁶ The study found that, as of September 1, 2020, carceral settings “represented 90 of the top 100 COVID-19 clusters in the US.”²⁷

According to the Federal Defenders of San Diego, who represent clients detained at WRDF, many

Compel Evaluation by a Neurologist, ECF 48, *United States v. Caudillo*, No. 21-CR-775 (S.D. Cal.) (June 15, 2021).

²⁴ This information was shared with the undersigned by an individual familiar with the matter. Out of respect for their privacy, we have not identified either person in this public document.

²⁵ Verified First Amended Complaint, *Stout v. GEO Group, Inc., et. al.*, No. 37-2019-00000650-CU-CR-CTL (Feb. 27, 2019).

²⁶ Reinhart E, Chen DL, *Association of Jail Decarceration and Anticontagion Policies With COVID-19 Case Growth Rates in US Counties*. JAMA NETW OPEN. 2021;4(9):e2123405. doi:10.1001/jamanetworkopen.2021.23405 (Sept. 2, 2021), available at <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2783680> (“[L]arge-scale decarceration and changes to pretrial detention policies are likely to be important for improving US public health, biosecurity, and pandemic preparedness.”)

²⁷ *Id.*

people detained there had comorbidities that placed them at high risk of serious illness or death from COVID-19, yet people were still crammed into the facility so tightly that it was impossible to avoid physical contact with one another, much less maintain social distancing.²⁸ This included GEO forcing people to stand shoulder-to-shoulder for count. In addition, people detained at WRDF alleged in spring 2020 that:

- “water will shut off for days at a time, showers break,” “toilets will regularly clog,” and “[s]ewage is leaking from drains;”
- the facility was “frequently running out of soap;”
- guards did not regularly wear masks or require detained people to do so, despite outbreaks erupting in detention centers nationwide at that time, including one at the nearby CoreCivic-run Otay Mesa Detention Facility in San Diego County;
- due to a three-day water shut off, people detained inside were unable to wash their hands or shower, and “a trash can was filled with water for communal handwashing.”²⁹

Delays in the provision of medical care continued to be routine. One person stated that a “detainee with a cough and a fever asked to see a doctor but was refused.” Others estimated that routine medical requests take 4-7 days to process, and grievances for improved conditions went wholly unanswered or prompted retaliation, with guards calling those filing grievances “snitches” and denying them meals. The grave conditions prompted a hunger strike in which an estimated 100 detained people participated. As one detained person stated, “I feel like I’m going to die here.”³⁰

Given these conditions, it is unsurprising that the facility experienced a serious outbreak by fall, with at least 86 detained people and 10 staff members at WRDF testing positive in November 2020, in addition to another 54 GEO employees who had tested positive previously.³¹

3. WRDF’s Role in Past Constitutional Violations

To understand why reducing federal pre-trial incarceration will prevent future harm, it bears recalling the role that USMS facilities in San Diego, including WRDF, have played in past constitutional violations. These include the forcible separation of children from their parents during the Trump Administration. Many separations were caused by the implementation of the so-called “Zero Tolerance” policy targeting people seeking asylum at the Southern border, under which people who crossed the United States-Mexico border to request asylum would, as a blanket matter, be prosecuted for unlawful entry in violation of 8 U.S.C. § 1325, a misdemeanor, regardless of whether the case involved a parent traveling with a small child. In fact, the Department of Justice Office of Inspector General found that the government was fully aware that these prosecutions *would* result in forced

²⁸ Declaration of Joshua Jones dated April 8, 2020, ECF No. 40-1, *U.S.A. v. Aguilera-Baragan*, No. 19-CR-3017-JLS (S.D. Cal.) (June 10, 2020).

²⁹ *Id.*

³⁰ *Id.*

³¹ Alex Riggins, *At least 96 inmates, staff at one San Diego federal jail have COVID-19*, SAN DIEGO UNION-TRIBUNE (Nov. 2, 2020), available at <https://www.sandiegouniontribune.com/news/courts/story/2020-11-02/nearly-100-inmates-staff-at-san-diego-federal-jail-have-covid-19-c>.

separations, yet they pressed forward anyway.³²

Many separated parents charged in San Diego under Zero Tolerance were held in USMS custody, including at WRDF. Because GEO did not provide access to phones that could dial out to the government's 1-800 hotlines, supposedly provided to parents to learn what happened to their children, those parents would suffer for extended durations at WRDF with no information about their children's well-being. In one case among many, a man who had fled Guatemala with his 5-year-old daughter to seek asylum in the United States was arrested and charged with illegal entry. United States Border Patrol told him his daughter would remain at the Border Patrol station while he went to jail for 2 or 3 days, but he was reportedly detained at WRDF for several weeks while his daughter was sent to New York City without his knowledge. From WRDF, he was unable to get information about his daughter, and he eventually gave up his criminal defense and his claim for asylum in hopes of reuniting with her.

People have also been held at WRDF beyond their release dates after completing their sentences, in violation of their constitutional rights. In several cases involving people who accepted "time served" plea agreements, USMS allegedly failed to send release sheets to GEO, resulting in several extra days of custody each. In a particularly egregious 2018 case, an individual remained in GEO custody at WRDF for nearly two weeks beyond his release date. Because GEO gets paid by the day, GEO guards had no incentive to identify or rectify these lengthy periods of unlawful detention.

These violations are likely a small sampling of abuses at WRDF in recent years, but they are not one-off exceptions. Based on GEO's track record elsewhere, described further below, it is clear that they are the predictably pervasive result of an overly punitive pre-trial detention system that relies heavily on private prison corporations.

B. Dangerous Conditions at other GEO Facilities in California

GEO's business and detention operations elsewhere in California provide further cause for concern. As an initial matter, this is not the first time the company has attempted to enlist financially strained municipalities to participate in an end run around federal law. As the California State Auditor exposed, GEO has used McFarland (and the City of Adelanto) to circumvent procurement law in the context of immigration detention:

[I]f ICE contracted directly with the private operators, ICE would have to comply with federal procurement rules that generally require full and open competition unless a statutory exception to the competitive process applies. . . . City council documents show how the private operators worked with two of the cities to secure or amend the intergovernmental service agreements with ICE. . . . Under the terms of the detention subcontracts, each of the cities passed millions of dollars of federal payments through to the private operators . . . [E]ach city agreed to pay the private operator the same per-diem rate that the city is paid under the terms of the ICE

³² Dustin Jones, *Justice Department Knew 2018 Border Policy Would Separate Children from Families*, National Public Radio (Jan. 14, 2021), available at <https://www.npr.org/2021/01/14/957011268/justice-department-knew-2018-border-policy-would-separate-families>; DOJ OIG Report 21-028, *Review of the Department of Justice's Planning and Implementation of Its Zero Tolerance Policy and Its Coordination with the Departments of Homeland Security and Health and Human Services* (Jan. 2021), available at https://oig.justice.gov/sites/default/files/reports/21-028_0.pdf.

contract—essentially passing through all of the payments to the private operators.³³

The company’s aversion to federal procurement law is matched by a disregard for the wellbeing of people in its custody, as illustrated by the following brief examples:

- A 44-year-old man died in April 2015 while detained at GEO’s Adelanto Detention Facility. Despite suffering from evident symptoms of cancer for many months prior, the symptoms went unaddressed until the month he died. In February 2015, he pleaded for help in a grievance: “To who receives this. I am letting you know that I am very sick and they don’t want to care for me. The nurse only gave me ibuprofen and that only alleviates me for a few hours. Let me know if you can help me. I only need medical attention.” The doctor who eventually evaluated him said he had “the largest [abdominal mass] she had ever seen in her practice,” which was “notably visible through the abdominal wall.” A follow-up colonoscopy was not scheduled until close to a month later, and the man died soon thereafter.³⁴
- In 2015, GEO staff at the Mesa Verde facility in Bakersfield shackled—via handcuffs, ankle cuffs, and waist chain—a pregnant woman in need of urgent medical care for a trip to the hospital in the midst of a downpour. While getting into the vehicle, the woman tripped on the shackles and fell hard on her stomach, unable to break her fall—evidently resulting in a miscarriage. She began bleeding heavily the next day, yet GEO staff *again* handcuffed her while transporting her to the hospital.³⁵
- The DHS Office of Inspector General recently reported on the “poor condition” of GEO’s Adelanto facility, “including mold and peeling paint on walls, floors, and showers, and unusable toilets” in the bathrooms, which creates “health issues for detainees, including allergic reactions and persistent illnesses.” The report also found “egregious” violations of basic food safety practices, including exposed, unlabeled lunch meat in walk-in refrigerators, chicken that “smelled foul and appeared to be spoiled,” and expired food in the freezer.³⁶

Furthermore, as with WRDF, GEO’s callous indifference to the health of people in its custody has been on horrifying display during the COVID-19 pandemic in its other California facilities. In August 2020, months into the pandemic and after prior scathing judicial rebukes, a federal court found that GEO (and ICE), “having responded to the health crisis in such a cavalier fashion (even in the face of litigation and a string of court orders), have lost the credibility to complain that the relief requested by the plaintiffs is too rigid or burdensome” and “the right to be trusted” with ensuring the basic safety measures necessary to protect against the spread of COVID-19 at GEO’s Mesa Verde facility.³⁷ In December 2020, the same court described the conduct of GEO officials in charge of Mesa Verde as “appalling,” citing the company’s continued failure to put in place a plan to minimize

³³ California State Auditor, *Report 2018-117, City and County Contracts with U.S. Immigration and Customs Enforcement* (Feb. 2019), at 15-16, <https://www.auditor.ca.gov/pdfs/reports/2018-117.pdf>.

³⁴ Clara Long & Grace Meng, *Systemic Indifference: Dangerous & Substandard Medical Care in US Immigration Detention*, Human Rights Watch (May 8, 2017), available at <https://www.hrw.org/report/2017/05/08/systemic-indifference/dangerous-substandard-medical-care-us-immigration-detention>.

³⁵ ACLU SoCal, *Shackle A Pregnant Woman, Risk A Foreseeable Tragedy* (June 18, 2015), <https://www.aclusocal.org/en/news/shackle-pregnant-woman-risk-foreseeable-tragedy>.

³⁶ Office of Inspector General, *Concerns about ICE Detainee Treatment and Care at Four Detention Facilities*, at 4, 8, OIG-19-47 (June 3, 2019), <https://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-Jun19.pdf>.

³⁷ *Zepeda Rivas v. Jennings*, No. 20-cv-02731-VC, 2020 WL 4554646, at *1 (N.D. Cal. Aug. 6, 2020).

the risk of, and contain, any COVID-19 outbreak.³⁸ Another federal court found that the conditions of confinement at GEO's Adelanto facility in April 2020 were "inconsistent with contemporary standards of human decency"³⁹ Worse, the company has responded to individuals' pleas for meaningful measures to address these legitimate health and safety concerns with retaliation in violation of the First Amendment.⁴⁰

Hundreds of individuals in GEO's custody at Adelanto and Mesa Verde have been infected with COVID-19 during the pandemic,⁴¹ and untold hundreds more would have been infected absent emergency judicial intervention. Yet even as the pandemic rages on and even as GEO fails to commit publicly to vaccinate or consistently test staff, the company continues to unabashedly fight to lift the population restrictions at both facilities. On June 3, 2021, dissatisfied that ICE's approach to repopulating the Adelanto was too gradual, GEO sought to intervene, openly arguing that its interest in enriching itself financially was not aligned with the federal government's interest—and constitutional obligation—to provide safe conditions at the facility: "Since GEO is compensated for the use and operation of the Adelanto facility, capacity restrictions at Adelanto directly affect GEO's economic interests," GEO wrote.⁴² The company—but not ICE—has also sought to modify the court-imposed population limits at Mesa Verde. In sum, GEO's orientation toward profit has driven it to seek court orders allowing it to repopulate Adelanto and Mesa Verde even more quickly than ICE has seen fit to do.

The pattern is clear: Across its business decisions and operations in California, GEO prioritizes its relentless pursuit of profit far above any other concern.

C. Over-reliance on Pre-Trial Detention in the Southern District of California

Not only should the White House prevent GEO from continuing to operate WRDF, but the facility should be shut down altogether in furtherance of the Biden Administration's stated policy to move away from a system of mass incarceration. As the Supreme Court noted more than 40 years ago, "[p]retrial confinement may imperil the suspect's job, interrupt his source of income, and impair his family relationships." *Gerstein v. Pugh*, 420 U.S. 103, 114 (1975). Recent history has demonstrated this to be indisputably true, with the impacts borne disproportionately by communities of color and other vulnerable people in our society.⁴³

Although courts have found that incarceration based on a person's inability to pay violates the Constitution,⁴⁴ many people who are offered bail – meaning they have been deemed suitable for

³⁸ *Zepeda Rivas v. Jennings*, 504 F. Supp. 3d 1060, 1064 (N.D. Cal. 2020).

³⁹ *Roman v. Wolf*, No. EDCv-2000768-TJH, 2020 WL 1952656, at *8 (C.D. Cal. Apr. 23, 2020).

⁴⁰ Complaint to DHS Office of Civil Rights and Civil Liberties submitted to Katherine Culliton-Gonzalez, et al., *First Amendment Retaliation Against Individuals in Immigration Detention in California*, dated Aug. 26, 2021, available at https://www.aclunc.org/sites/default/files/OCRCL%20complaint.08.26.21%20_0.pdf.

⁴¹ U.S. Immigration and Customs Enforcement, *ICE Guidance on COVID-19*, <https://www.ice.gov/coronavirus> (last visited Sept. 16, 2021).

⁴² Andrea Castillo, *California banned private prisons, immigrant detention centers. Will the law survive court?* (LA Times June 15 2021), <https://www.latimes.com/california/story/2021-06-15/california-banned-private-prisons-immigrant-detention-centers-will-the-law-survive-court>.

⁴³ Leon Digard and Elizabeth Swavola, *Justice Denied: The Harmful and Lasting Effects of Pretrial Detention*, THE VERA INSTITUTE (April 2019), available at <https://www.vera.org/downloads/publications/Justice-Denied-Evidence-Brief.pdf>.

⁴⁴ *Bearden v. Georgia*, 461 U.S. 660 (1983); *Pugh v. Rainwater*, 572 F.2d 1053, 1057 (5th Cir. 1978); cf. *Hernandez v.*

release under certain conditions – remain incarcerated simply because they cannot afford their release.⁴⁵ Compounding the problems posed by financial limitations, Black and Latinx people are more likely to be detained without bail or forced to contend with significantly higher bail amounts than white people.⁴⁶ Because pre-trial detention necessarily puts jobs at risk and places financial hardship on families left at home, it also creates pressure to accept unfavorable plea bargains.⁴⁷ As a result, pre-trial incarceration has been shown to correspond to harsher and longer sentences.⁴⁸ Taken together, these factors serve to perpetuate the mass incarceration problem generally and the racial disparities in the system specifically.

The majority of federal defendants in the Southern District “are charged with non-violent crimes such as immigration status offenses.”⁴⁹ Yet, despite the growing consensus regarding the harm caused by pre-trial detention, it is our understanding that prosecutors in the Southern District of California refuse “to agree to pre-trial release for detained people,” even during the pandemic, and routinely ask for high cash or property bonds knowing that the defendants cannot meet them.⁵⁰ As a result, many people in the Southern District of California remain in custody pre-trial at facilities like WRDF simply because they are financially unable to meet the bond set. If true, this almost certainly results in more people being detained pre-trial than necessary.

Rather than pay exorbitant sums to private prison corporations to incarcerate people pre-trial, government resources would be better spent investing in community-based alternatives to detention, which have been proven to achieve the same goals as pre-trial detention without the harsh impacts of incarceration.⁵¹ As the Supreme Court has noted, “[i]n our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.” *United States v. Salerno*, 481 U.S. 739, 755 (1987). Consistent with this core Constitutional principle, investing in community-based alternatives to detention and exercising discretion to not seek impossibly high bail amounts will help ensure fewer people are unnecessarily incarcerated in the Southern District of California, which will facilitate the closure of WRDF. These are important and necessary steps if the Biden Administration hopes to achieve its goals of reducing mass incarceration.

Sessions, 872 F.3d 976, 991-92 (9th Cir. 2017).

⁴⁵ Mathilde Laisne, Jon Wool, and Christian Henrichson, *Past Due: Examining the Costs and Consequences of Charging for Justice in New Orleans*, THE VERA INSTITUTE OF JUSTICE, at 7 (Jan. 2017), available at <https://www.vera.org/downloads/publications/past-due-costs-consequences-charging-for-justice-new-orleans.pdf>.

⁴⁶ Digard and Swavola, *supra* n. 43.

⁴⁷ Will Dobbie, Jacob Goldin, and Crystal Yang, *The Effects of Pretrial Detention on Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges*, *American Economic Review* 2018, 108(2): 201-240 at 202 & n.1 (Feb. 2018), available at <https://www.aeaweb.org/articles?id=10.1257/aer.20161503>.

⁴⁸ Christopher T. Lowenkamp, Marie VanNostrand, Alexander Holsinger, *Investigating the Impact of Pretrial Detention on Sentencing Outcomes*, THE LAURA AND JOHN ARNOLD FOUNDATION, at 10-11 (Nov. 2013), available at <https://nicic.gov/investigating-impact-pretrial-detention-sentencing-outcomes>.

⁴⁹ Letter from Kathryn N. Nester, Executive Director of Federal Defenders of San Diego, Inc. to Senator Kamala Harris (March 31, 2020), available at <https://www.voiceofsandiego.org/wp-content/uploads/2020/04/FDSOI-COVID-19-letter-to-Sen.-Harris.pdf>.

⁵⁰ *See id.*

⁵¹ Jennifer Elek, Sara Sapia, and Susan Keilitz, *Use of Court Date Reminder Notices to Improve Court Appearance Rates*, PRETRIAL JUST. CTR. FOR CTS. (Sept. 2017), available at https://www.ncsc.org/_data/assets/pdf_file/0015/1635/pjcc-brief-10-sept-2017-court-date-notification-systems.ashx.pdf.

IV. Conclusion

GEO's involvement in perpetuating harm at WRDF could have been over on September 30, 2021. Taking the Administration at its word as expressed in the Executive Order, it should have been. Yet, despite months to prepare for the contract's termination, it was extended for six months at the last minute. The White House now has the opportunity to use those six months to ensure that President Biden's Executive Order regarding private detention facilities still has meaning. We therefore encourage the White House to intervene to ensure that (1) GEO's contract to operate WRDF is not renewed or extended any further, (2) the facility shuts down on schedule at the end of the current six-month extension, including by encouraging federal prosecutors to pursue alternatives to detention, and (3) moving forward, USMS includes in any Intergovernmental Agreement for detention services a provision that prohibits subcontracting to private prison corporations.

Respectfully,



Bardis Vakili, Senior Staff Attorney
ACLU Foundation of San Diego & Imperial Counties

Summer Lacey, Criminal Justice Director and Senior Staff Attorney
Rosa Lopez, Senior Policy Advocate & Organizer
Stephanie Padilla, Staff Attorney
Maira Rios, Policy Advocate and Organizer
Jordan Wells, Staff Attorney
ACLU of Southern California

Yoel Y. Haile, Criminal Justice Program Director
ACLU of Northern California

Cc: Merrick Garland, Attorney General of the United States
Department of Justice Office of Inspector General
Steven Stafford, U.S. Marshalls Service, Southern District of California
Diane Feinstein, U.S. Senator, California
Alex Padilla, U.S. Senator, California
Mike Levin, U.S. Representative, 49th District, California
Darrel Issa, U.S. Representative, 50th District, California
Juan Vargas, U.S. Representative, 51st District, California
Scott Peters, U.S. Representative, 52nd District, California
Sara Jacobs, U.S. Representative, 53rd District, California
Rob Bonta, Attorney General of California
Sally Gonzalez, Mayor, City of McFarland

(b)(6); (b)(7)(C);
(b)(7)(F) (USMS)

From: Stafford, Steve (USMS)
Sent: Wednesday, September 22, 2021 9:09 AM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(C); (USMS)
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (USMS)
Subject: FW: Executive Order 14006 and GEO-USMS contract at Western Region Detention Facility
Attachments: 2021 09 21 WH ltr re GEO McFarland USMS FINAL.pdf

FYI. Please review and write responses to their allegations regarding GEO's **WRDF specifically**.
Thanks.

Steven C. Stafford
United States Marshal
Southern District of California

From: Bardis Vakili <BVakili@aclusandiego.org>
Sent: Tuesday, September 21, 2021 1:52 PM
To: (b)(6); (b)(7)(C) @who.eop.gov; (b)(6); (b)(7)(C) @who.eop.gov; (b)(6); (b)(7)(C) @who.eop.gov;
(b)(6); (b)(7)(C) @who.eop.gov
Cc: (b)(6); (b)(7)(C) @aclusocal.org; (b)(6); (b)(7)(C) @aclusocal.org; (b)(6); (b)(7)(C) @aclunc.org;
(b)(6); (b)(7)(C) @aclusocal.org; (b)(6); (b)(7)(C) @aclusocal.org; (b)(6); (b)(7)(C) @aclusocal.org;
(b)(6); (b)(7)(C) OAG; (b)(6); (b)(7)(C) @usdoj.gov; (b)(6); @mcfarlandcity.org; (b)(6); @feinstein.senate.gov;
(b)(6); (b)(7)(C) @feinstein.senate.gov; (b)(6); @padilla.senate.gov; (b)(6); (b)(7)(C) @padilla.senate.gov;
(b)(6); (b)(7)(C) @mail.house.gov; (b)(6); @mail.house.gov; (b)(6); @mail.house.gov; (b)(6); (b)(7)(C) @mail.house.gov;
(b)(6); @mail.house.gov; (b)(6); (b)(7)(C) @mail.house.gov; (b)(6); @mail.house.gov; (b)(6); (b)(7)(C) @mail.house.gov;
(b)(6); (b)(7)(C) @mail.house.gov; (b)(6); (b)(7)(C) @mail.house.gov; Stafford, Steve (USMS) (b)(6); @usms.doj.gov;
(b)(6); (b)(7)(C) @doj.ca.gov
Subject: [EXTERNAL] Executive Order 14006 and GEO-USMS contract at Western Region Detention Facility

To the White House Domestic Policy Council Office,

Please find attached a letter from the ACLU affiliates in California expressing concern regarding the recently extended contract between the U.S. Marshals Service and The GEO Group to operate the Western Region Detention Facility in San Diego, as well as the reported consideration of the City of McFarland as a "pass-through" contractor to continue GEO's operation of the facility despite Executive Order 14006, *Reforming Our Incarceration System to Eliminate the Use of Privately Operated Criminal Detention Facilities*.

We look forward to your consideration of this important issue.

Sincerely,

Bardis Vakili | Senior Staff Attorney

ACLU Foundation of San Diego & Imperial Counties

P.O. Box 87131, San Diego, CA 92138-7131

619.398.4485

bvakili@aclusandiego.org

   [aclusandiego.org](https://www.aclusandiego.org)

ACLU San Diego and
FOUNDATION Imperial Counties

PRIVACY AND CONFIDENTIALITY STATEMENT: This message and any attachments may contain information that is confidential and/or privileged. If you are not the intended recipient, please immediately notify the sender by return email and delete the message from your system. Thank you.

From: (b)(6); (b)(7)(C); USMS
To: (b)(6); (USMS)
Cc: Stafford, Steve (USMS); (b)(6); (USMS-CA/S); (b)(6); (b)(7)(C); USMS; (b)(6); (b)(7)(C); (USMS)
Subject: RE: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities
Date: Friday, March 19, 2021 8:38:30 AM

Thank you all very much. Sorry about the quick turn around.

From: (b)(6); (b)(7)(C); USMS; (b)(6); @usms.doj.gov>
Sent: Thursday, March 18, 2021 5:07 PM
To: (b)(6); (b)(7)(C); USMS; (b)(6); @usms.doj.gov>
Cc: Stafford, Steve (USMS); (b)(6); @usms.doj.gov>; (b)(6); (b)(7)(C); (USMS-CA/S); (b)(6); @usms.doj.gov>; (b)(6); (b)(7)(C); (b)(7)(F); USMS; (b)(6); (b)(7)(C); @usms.doj.gov>; (b)(6); (b)(7)(C); (b)(7)(F); (USMS); (b)(6); @usms.doj.gov>; (b)(6); (b)(7)(C); (USMS); (b)(6); @usms.doj.gov>
Subject: RE: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities

Chie (b)(6); (b)(7)(C);

Please find the response drafted by the District of Southern California reflecting the input of district management and the detention management teams to questions posed by POD. Please let me know if you have any questions.

To begin this process, I am respectfully requesting an initial draft of a draw down plan be submitted to POD-Detention Operations by Friday 3/19/21 for your district which should include:

(b)(7)(E)

- Orange County Jail (C/CA) has agreed to house 200 males after May 2021. An IGA already exists.
- Santa Ana Jail (C/CA) has agreed to house 100 males. An IGA already exist.
- We have reached out to the following and will update on responses: San Bernardino County and Imperial County.
- USM Stafford has already had a conversation with Sheriff (b)(6); (b)(7)(C); Sheriff (b)(6); relayed that San Diego County does not have any bedspace available for USMS usage other than an occasional overnight prisoner when needed.

(b)(7)(E)

- Victorville houses pretrial inmates for S/CA with (b)(7)(E) and Investigation (b)(7)(E) transporting. Increasing population there would require more support from (b)(7)(E)

(b)(7)(E)

- We currently are moving post sentenced inmates to CCA Central Arizona.
- We also performing occasional JPATS bus trips to (b)(7)(E)

(b)(7)(E)

We currently use GEO San Diego transport to bring inmate for court from Santa Ana County Jail. (b)(7)(E) would be needed take over these transports.

(b)(7)(E)

- (b)(7)(E) will have to expand transport services to bring inmates from Santa Ana Jail to Court.
- (b)(7)(E) will also have to expand to support increase in USMS population at FCI Victorville. This would require at a minimum a full bus (possible more (b)(7)(E)

(b)(7)(E)

- MCC does not accept or house any inmates that cannot go up and down stairs un-assisted.
- MCC does not house female (b)(7)(E) as of now only GEO San Diego and San Luis Detention can house female (b)(7)(E) for S/CA.

(b)(5) Deliberative Process Privilege, (b)(7)(E)

(b)(7)(E)

- The Southern District of California currently houses prisoners at the Western Region Detention Facility, Otay Mesa Detention Center, El Centro Detention Center, and the San Luis Detention Center. Since BOP Victorville is POD's solution to housing all S/CA private facility prisoners, POD should provide solutions to the following issues:
 - During the temporary COVID restrictions and reductions, the average daily prisoner population at these facilities are approximately 1,650. During the time period prior to COVID, all S/CA available detention beds in private facilities were completely full. When all S/CA current private detention beds are full, the average daily prisoner population at these facilities is over 2,300.

(b)(5) Deliberative Process Privilege, (b)(7)(E)

- o [REDACTED] (b)(5) Deliberative Process Privilege; (b)(7)(E)
- o [REDACTED]
- o They will stay in [REDACTED] and then transported [REDACTED] to the Victorville facility. They will be provided with BOP bagged sandwiches for breakfast, lunch, and dinner.
- o [REDACTED] (b)(5) Deliberative Process Privilege; (b)(7)(E)
- o [REDACTED]

In addition to your initial drawdown plan requested by 3/19/21, please include the following (Otay Mesa – El Centro – Western Regional)

1. Facility Name/Drawdown Date:
 - Otay Mesa – 12/19/2021
 - El Centro – 12/21/2021
 - Western Regional – 9/30/2021
2. District
 - Southern District of California
3. District population in the facility
 - Otay Mesa - 487
 - El Centro – 385
 - Western Regional - 501
4. Population that has been designated in the facility
 - Otay Mesa - 12
 - El Centro - 13
 - Western Regional- 18
5. Current plan on where the prisoners will be moved:
 - Currently aside from the small increases in Santa Ana, Orange County and potential small number of beds in other state and local facilities, no other plans are available barring a significant increase of bed space in BOP facilities.
6. Any issues (not enough beds, transportation problems etc...)
 - Geo/Western Regional is the cornerstone of short-term prisoner problem correction. separatees, medical issues, missed MCC booking windows and new

arrests are housed at the facility. Removal of this option and reliance on FCI Victorville would add additional burden to the District, including but not limited to a 5 hour round trip drive to house a prisoner.

- Santa Ana County Jail and Victorville do not have transport, (b)(7)(E) will have to provide transport for court operations. (b)(7)(E) will also have to provide medical transport and guard coverage.

7. District response to the proposed BOP beds given to the Chiefs yesterday:

- It will take significant coordination between the USMS and BOP at the Headquarters level to arrange for FCI Victorville to house the current count of 2,164 prisoners housed at private facilities. As stated, there have been numerous instances when Headquarters has believed it has negotiated a bed space level with BOP facilities and they have simply not honored the designated space availability or have shut down new prisoner admissions entirely.
- This number reflects current Covid-19 bed space availability and would potentially see a significant increase were the District return to pre-Covid-19 pandemic number.

(b)(6); (b)(7)(C);
(b)(7)(D)

Assistant Chief Deputy U.S. Marshal
US Marshals Service
Southern District of California

(b)(6); (b)(7)(C) (o)
(b)(6); (b)(7)(C) (c)

Mailing Address:
US Marshals Service
333 W. Broadway, Suite 100
San Diego, CA 92101

From: (b)(6); (b)(7)(C); (b)(7)(D) (USMS) (b)(6); (b)(7)(C); (b)(7)(D) @usms.doj.gov>
Sent: Thursday, March 18, 2021 1:28 PM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(D) @usms.doj.gov>
Cc: Stafford, Steve (USMS) (b)(6); (b)(7)(C); (b)(7)(D) @usms.doj.gov>; (b)(6); (b)(7)(C); (b)(7)(D) (USMS) (b)(6); (b)(7)(C); (b)(7)(D) @usms.doj.gov>
Subject: RE: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities

Thank you very much.

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(D) @usms.doj.gov>
Sent: Thursday, March 18, 2021 4:21 PM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(D) @usms.doj.gov>
Cc: Stafford, Steve (USMS) (b)(6); (b)(7)(C); (b)(7)(D) @usms.doj.gov>; (b)(6); (b)(7)(C); (b)(7)(D) (USMS) (b)(6); (b)(7)(C); (b)(7)(D) @usms.doj.gov>

Subject: Re: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities

We are finalizing everything right now and will have it back to you by the end of the day. Thank you

(b)(6); (b)(7)(C); (b)(7)(F)

Assistant Chief Deputy

U.S. Marshals Service

Southern District of California

(b)(6); (b)(7)(C)

On Mar 18, 2021, at 1:17 PM, (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); @usms.doj.gov> wrote:

Good Afternoon Chief,

We have to provide information to the Office of the Deputy Attorney General by tomorrow. Can you provide answers for the following questions as soon as possible. If you have questions please call me at (b)(6); (b)(7)(C);

From: (b)(6); (b)(7)(C); (USMS)

Sent: Thursday, March 18, 2021 10:19 AM

To: (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS)

(b)(6); (b)(7)(C); @usms.doj.gov> (b)(6); (b)(7)(C); (USMS-CA/S) (b)(6); (b)(7)(C); @usms.doj.gov>

Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>

Subject: RE: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities

Good morning All

I pray that you are doing well!

In addition to your initial drawdown plan requested by 3/19/21, please include the following:

1. Facility Name/Drawdown Date
2. District
3. District population in the facility
4. Population that has been designated in the facility
5. Current plan on where the prisoners will be moved
6. Any issues (not enough beds, transportation problems etc...)
7. District response to the proposed BOP beds given to the Chiefs yesterday

Thank you

V/R

(b)(6); (b)(7)(C); (b)(7)(F)

USMS-HQS-POD-ODO

(b)(6); (b)(7)(C); @usdoj.gov

(b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C); (USMS)

Sent: Wednesday, March 10, 2021 5:03 PM

To: (b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS)

(b)(6); (b)(7)(C); @usms.doj.gov>

Cc: (b)(6); (b)(7)(C); (USMS-CA/S) (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS)

(b)(6); @usms.doj.gov> (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS)

(b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); @usms.doj.gov>;

(b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS)

(b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>;

(b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov>

Subject: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities

Importance: High

Chief's

Good afternoon, I pray that you are all doing well!

Consistent with the email notification Memorandum dated March 4, 2021, from Assistant Director John P. Sheehan, Prisoner Operations Division, regarding an Update on Executive Order Eliminating the Use of Privately Operated Criminal Detention Facilities, I have been tasked to support your district during the planning process for the potential draw down and relocation of our prisoner populations and operations at the facilities referenced below.

- Western Region Detention Facility (Option/Expiration: 9/30/21)
- El Centro Detention Facility (Option/ Expiration: 12/21/21)
- Otay Mesa Detention Center (Option/Expiration: 12/19/21)

To begin this process, I am respectfully requesting an initial draft of a draw down plan be submitted to POD-Detention Operations by ***Friday 3/19/21*** for your district which should include:

(b)(7)(E)

(b)(7)(E)

POD will begin coordinating with the Office of Transportation and JPATS for the potential needs for post sentence movements out of the district leading up to the first facility (Western Region Detention Facility: 9/30/21) draw down and exit. Based upon your plan, POD will also be engaging the BOP alternatives and options identified in your plan.

I am readily available for you to discuss any matters regarding this pre-planning phase. Please feel free to reach out to me at your discretion.

Thank you

(b)(6); (b)(7)(C); (b)(7)(F)

USMS-HQS-POD-ODO

(b)(6); (b)(7)(C); [@usdoj.gov](mailto:POD@usdoj.gov)

(b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Sent: Thu, 2 Sep 2021 19:50:04 +0000
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Subject: Guys is there anyway to move the (b)(7)(E) prisoners to Central Valley to try to get them out to the BOP? This will help free up some space going in to this Drawdown.

Guys is there any way to move the (b)(7)(E) prisoners to Central Valley to try to get them out to the BOP? This will help free up some space going in to this Drawdown.

- **Western Regional Detention Facility**

The current population at Western Regional Detention Facility is 554.

JPATS goes to the Southern California airlift (b)(7)(E)

Currently there are (b)(7)(E) prisoners in Southern California that can be moved into the BOP.

(b)(6); (b)(7)(C); (b)(7)(F)
Senior Inspector
Prisoner Operations Division
(C) (b)(6); (b)(7)(C)
(O)

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Sent: Wed, 8 Sep 2021 14:48:49 +0000
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Subject: Fwd: S/TX and S/CA Drawdown Operations Weekly Update Call

(b)(6); (b)(7)(C); (b)(7)(F)
Deputy U.S. Marshal
S/CA - San Diego
(b)(6); (b)(7)(C) (O)
(b)(6); (b)(7)(C) (C)

Begin forwarded message:

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Date: September 8, 2021 at 7:21:17 AM PDT
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)" (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>, (b)(6); (b)(7)(C); (b)(7)(F) (USMS)"
(b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>, (b)(6); (b)(7)(C); (b)(7)(F) (USMS)" (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>, (b)(6); (b)(7)(C); (b)(7)(F) (USMS)"
(b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>, (b)(6); (b)(7)(C); (b)(7)(F) (USMS)" (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>, (b)(6); (b)(7)(C); (b)(7)(F) (USMS)"
(b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>, (b)(6); (b)(7)(C); (b)(7)(F) (USMS)" (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>, (b)(6); (b)(7)(C); (b)(7)(F) (USMS)"
(b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>, (b)(6); (b)(7)(C); (b)(7)(F) (USMS)" (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>, (b)(6); (b)(7)(C); (b)(7)(F) (USMS)"
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)" (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>, (b)(6); (b)(7)(C); (b)(7)(F) (USMS)"
(b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Subject: S/TX and S/CA Drawdown Operations Weekly Update Call

All

Please join us on a weekly operations call every Wednesday until the respective drawdowns of Willacy Co. (S/TX) and Western Region (S/CA) are complete.

Thank you and have an excellent day!

Join Microsoft Teams Meeting<<https://gov.teams.microsoft.us/l/meetup->

(b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Sent: Wed, 8 Sep 2021 14:24:04 +0000
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Subject: Fwd: S/CA - Western Region Drawdown

All,

The marshal would like to see the numbers that this will draw down on each of the identified categories based on number of possible transfers before we pull the trigger and start shipping to show POD that there will be a nominal impact. I know it's an extra step, but appreciated

(b)(6); (b)(7)(C); (b)(7)(F)
Chief Deputy U.S. Marshal (Acting)
USMS Southern District of CA
(b)(6); (b)(7)(C)

Begin forwarded message:

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)" (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Date: September 7, 2021 at 15:40:24 PDT
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)" (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>, (b)(6); (b)(7)(C); (b)(7)(F) (USMS)" (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>, (b)(6); (b)(7)(C); (b)(7)(F) (USMS)" (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)" (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>, (b)(6); (b)(7)(C); (b)(7)(F) (USMS)" (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>, (b)(6); (b)(7)(C); (b)(7)(F) (USMS)" (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>, (b)(6); (b)(7)(C); (b)(7)(F) (USMS)" (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>, (b)(6); (b)(7)(C); (b)(7)(F) (USMS)" (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>, (b)(6); (b)(7)(C); (b)(7)(F) (USMS)" (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Subject: S/CA - Western Region Drawdown

Chief's

Good afternoon, I pray that you are all well!

As discussed, POD would like to initiate a few movement actions in preparation for the drawdown date of 9/30/21. As you are aware, we are still in a holding posture with the BOP in regards to Victorville however, we anticipate a response in the coming weeks. In the meantime please do the actions referenced below which are all temporary solutions until further notice. We will regroup with what is left over for movement on 9/15:

- Move (b)(6); (b)(7)(C); (b)(7)(F) retrial prisoners from Western Region into Central Valley to maximize the guaranteed minimum bed space as soon as possible but no later than Friday 9/10.

- Engage Orange County as per your working relationship with that facility and advise as to how many prisoners could they potentially absorb starting on 9/15 and respond with that number. I have discussed this already with C/CA and they are aware of this action. Assistant Chief (b)(6); (b)(7)(C); (b)(7)(F) will advise as to how many beds they could potentially provide S/CA at Santa Ana as well.
- Please execute a (b)(7)(E) for every prisoner in Western Region that is sentenced and awaiting a J&C as well as those that have been convicted and awaiting designation. Please (b)(7)(E) them to (b)(7)(E)
- (b)(7)(E)

We are aware that MCC is in a moratorium at this time limiting the district ability to intake new arrests into MCC versus Western Region. You have advised that the BOP has referenced 9/15 as the date where they may lift or extend the moratorium. We need to find an alternate solution and stop all new intakes into Western Region as soon as possible. Please work with your team to identify an alternate intake location and advise accordingly.

Again, I have spoken with the D/AZ and the C/CA regarding utilizing bed space in their districts. For C/CA options you will move pretrial prisoners and for CCA it will be your post sentenced prisoners currently housed in Western Region.

Currently, (b)(7)(E) shows that you have (b)(7)(E) prisoners post-convicted occupying bed space at Western Region. Move them to (b)(7)(E) if they have (b)(7)(E) (b)(7)(E) If they have less than (b)(7)(E) please move them to other facilities in-district accordingly.

Lets meet on 9/9 via conference call with the status of these deliverables.

Thank you all and have an excellent afternoon!

(b)(6); (b)(7)(C); (b)(7)(F)
 Assistant Chief
 USMS-HQS-POD-ODO
 (b)(6); (b)(7)(C); (b)(7)(F) @usdoj.gov
 (b)(6); (b)(7)(C)

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(b)(7)(E)

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Sent: Thu, 2 Sep 2021 19:59:53 +0000
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Subject: Fwd: Guys is there anyway to move the (b)(7)(E) prisoners to Central Valley to try to get them out to the BOP? This will help free up some space going in to this Drawdown.

We can use this list once they send it to see who can go to CVA

(b)(6); (b)(7)(C); (b)(7)(F)
District of Southern California
Ph (b)(6); (b)(7)(C)

Begin forwarded message:

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)" (b)(6); (b)(7)(C); (b)(7)(F)@usms.doj.gov>
Date: September 2, 2021 at 12:55:05 PM PDT
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)" (b)(6); (b)(7)(C); (b)(7)(F)@usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)" (b)(6); (b)(7)(C); (b)(7)(F)@usms.doj.gov>
Subject: RE: Guys is there anyway to move the (b)(7)(E) prisoners to Central Valley to try to get them out to the BOP? This will help free up some space going in to this Drawdown.

10-4, let me work on it.

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F)@usms.doj.gov>
Sent: Thursday, September 2, 2021 3:54 PM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F)@usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F)@usms.doj.gov>
Subject: Re: Guys is there anyway to move the (b)(7)(E) prisoners to Central Valley to try to get them out to the BOP? This will help free up some space going in to this Drawdown.

Would you be able to provide list, we can definitely try but it will depend on the facility which inmates they can safely house.

Thank You!

(b)(6); (b)(7)(C); (b)(7)(F)
District of Southern California
Ph (b)(6); (b)(7)(C)

On Sep 2, 2021, at 12:50 PM, (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F)@usms.doj.gov> wrote:

Guys is there any way to move the (b)(7)(E) prisoners to Central Valley to try to get them out to the BOP? This will help free up some space going in to this Drawdown.

- **Western Regional Detention Facility**

The current population at Western Regional Detention Facility is 554.

JPATS goes to the Southern California airlift (b)(7)(E)

Currently there are (b)(7)(E) prisoners in Southern California that can be moved into the BOP.

(b)(6); (b)(7)(C); (b)(7)(F)

Senior Inspector

Prisoner Operations Division

(C)
(O)

(b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Sent: Wed, 10 Mar 2021 22:18:40 +0000
To: (b)(6); (b)(7)(C); (USMS)
Subject: Fwd: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities
Attachments: POD-Update on Executive Order Eliminating the Use of Privately Operated Criminal Detention Facilities.pdf

(b)(6); (b)(7)(C); (b)(7)(F)
Deputy U.S. Marshal
S/CA - San Diego
(b)(6); (b)(7)(C) (O)
(b)(6); (b)(7)(C) (C)

Begin forwarded message:

From: (b)(6); (b)(7)(C); (USMS)" (b)(6); (b)(7)(C); @usms.doj.gov>
Date: March 10, 2021 at 2:03:09 PM PST
To: (b)(6); (b)(7)(C); (USMS)" (b)(6); @usms.doj.gov>, (b)(6); (b)(7)(C); (b)(7)(F) (USMS)"
(b)(6); (b)(7)(C); @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (USMS-CA/S)" (b)(6); (b)(7)(C); @usms.doj.gov>, (b)(6); (b)(7)(C); (b)(7)(F) (USMS)"
(b)(6); (b)(7)(C); @usms.doj.gov>, (b)(6); (b)(7)(C); (USMS)" (b)(6); @usms.doj.gov>, (b)(6);
(b)(6); (USMS)" (b)(6); (b)(7)(C); @usms.doj.gov>, (b)(6); (b)(7)(C); (b)(7)(F) (USMS)"
(b)(6); (b)(7)(C); @usms.doj.gov>, (b)(6); (b)(7)(C); (USMS)" (b)(6); @usms.doj.gov>, (b)(6); (b)(7)(C);
(b)(6); (USMS)" (b)(6); (b)(7)(C); @usms.doj.gov>, (b)(6); (b)(7)(C); (USMS)"
(b)(6); @usms.doj.gov>

Subject: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities

Chief's

Good afternoon, I pray that you are all doing well!

Consistent with the email notification Memorandum dated March 4, 2021, from Assistant Director John P. Sheehan, Prisoner Operations Division, regarding an Update on Executive Order Eliminating the Use of Privately Operated Criminal Detention Facilities, I have been tasked to support your district during the planning process for the potential draw down and relocation of our prisoner populations and operations at the facilities referenced below.

- Western Region Detention Facility (Option/Expiration: 9/30/21)
- El Centro Detention Facility (Option/ Expiration: 12/21/21)
- Otay Mesa Detention Center (Option/Expiration: 12/19/21)

To begin this process, I am respectfully requesting an initial draft of a draw down plan be submitted to POD-Detention Operations by Friday 3/19/21 for your district which should include:



POD will begin coordinating with the Office of Transportation and JPATS for the potential needs for post sentence movements out of the district leading up to the first facility (Western Region Detention Facility: 9/30/21) draw down and exit. Based upon your plan, POD will also be engaging the BOP alternatives and options identified in your plan.

I am readily available for you to discuss any matters regarding this pre-planning phase. Please feel free to reach out to me at your discretion.

Thank you

(b)(6); (b)(7)(C); (b)(7)(F)

USMS-HQS-POD-ODO

(b)(6); (b)(7)(C); @usdoj.gov

(b)(6); (b)(7)(C)

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U.S. Department of Justice
United States Marshals Service
Prisoner Operations Division

Washington, DC 20530-0001

March 4, 2021

MEMORANDUM TO: United States Marshals
Assistant Directors
Chief Deputy United States Marshals
Deputy Assistant Directors

FROM: John P. Sheehan
Assistant Director

SUBJECT: Update on Executive Order Eliminating the Use of Privately
Operated Criminal Detention Facilities

(b)(6); (b)(7)(C)

On Tuesday, January 26, 2021, President Biden signed Executive Order (EO) 14006, entitled "Reforming Our Incarceration System to Eliminate the Use of Privately Operated Criminal Detention Facilities." On Wednesday, January 27, 2021, United States Marshals Service (USMS) Executive Leadership, the Prisoner Operations Division, the Office of Congressional and Public Affairs, and the Office of General Counsel met and determined that the USMS needed additional guidance and direction from the Department of Justice regarding the intended scope of the EO and its effect to current and pending detention contracts and agreements with our private detention partners.

Since January 27, 2021, USMS Executive Leadership has been in nearly constant contact with officials from the Office of the Deputy Attorney General (ODAG) and White House Counsel on the impact of the EO to USMS detention operations. USMS Executive Leadership prioritized discussions regarding contracts due to expire within the next 90 days, such as the contract for the Northeast Ohio Correctional Center (NEOCC), for determination of any immediate actions related to the EO.

The USMS recently received additional guidance from the ODAG regarding immediate actions to be taken concerning its contract detention facilities. The USMS has been prohibited from entering into any new contractual agreements with any private detention corporations for the acquisition of federal detention space. Furthermore, the USMS has been directed not to execute any new contract actions, such as exercising option years included in current contracts, with any private detention corporations.

Subject: Update on Executive Order Eliminating the Use of Privately Operated Criminal Detention Facilities

As a result of this directive, the USMS has taken steps to begin the drawdown of its detention population at NEOCC within the next 90 days. Upon the conclusion of this 90-day period, all USMS prisoners presently housed at NEOCC will have been relocated to alternate detention space in surrounding jurisdictions. USMS Executive Leadership has communicated with impacted districts on the conclusion of USMS operations within the facility and mobilized POD and the Justice Prisoner and Alien Transportation System (JPATS) to assist with acquiring additional bedspace and coordinating transportation strategies.

Although the ODAG and White House Counsel continue to discuss additional contractual agreements pending expiration within the next 90 days, the USMS must plan for the possible closure of additional facilities in the coming months. In the near future, POD and JPATS will communicate with host districts of contract detention facilities in an effort to plan for the possible drawdown in additional facilities. It is recommended that impacted districts communicate these developments regarding the EO to their respective judiciary, partnering agencies, and state/local detention space providers to ensure that all alternate bedspace available to the USMS is identified.

Lastly, USMS Executive Leadership has been in communication with the Administrative Office of the U.S. Courts regarding the impact of the EO and will continue to work with partnering agencies such as the Federal Bureau of Prisons on additional available pretrial detention space. POD will update you as soon as we are aware of any additional information. If you are receiving any local intelligence you think may be important to share, please contact myself, Deputy Assistant Directors Aaron Sawyer or (b)(6), (b)(7)(C), (b)(7)(F) or Chief (b)(6), (b)(7)(C), (b)(7)(F) POD Office of Detention Operations.

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Sent: Wed, 30 Jun 2021 17:32:31 +0000
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Subject: FW: Sir, this is what is on our drawdown report.

This guy is going to call (b)(6);

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(F) (USMS) @usms.doj.gov>
Sent: Wednesday, June 30, 2021 10:19 AM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(C); (b)(7)(F) (USMS) @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(F) (USMS) @usms.doj.gov>
Subject: Sir, this is what is on our drawdown report.

Sir, this is what is on our drawdown report.

Western Region Detention Facility

9/30/2021

Expiration Date:

District: Southern District of California

District Population in the Facility: (629)

Designated Population in the Facility: (16)

Current Prisoner Movement Plan:

- Orange County Jail (C/CA) (150) female beds – approximately 80 miles one-way.
- Santa Ana City Jail (C/CA) (150) beds – approximately 80 miles one-way.
- Routine bus trips to (b)(7)(E) removing post sentenced prisoner populations in-district.
- FCI Victorville, 800 beds needed.

Challenges:

- FCI Victorville is 3 hours, one-way.
- Complex prisoner populations: (b)(7)(E)
- Additional funding and demand for transportation and guards.

(b)(6); (b)(7)(C); (b)(7)(F)

**Senior Inspector
Prisoner Operations Division**

(C)
(O) [REDACTED]

From: (b)(6); (USMS)
Sent: Fri, 20 Aug 2021 20:43:25 +0000
To: (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Subject: FW: POD Daily News Clips 8/20/2021

I am sure you all know about this, but just in case you haven't.

From: (b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov>
Sent: Friday, August 20, 2021 1:50 PM
To: (b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov>
Subject: FW: POD Daily News Clips 8/20/2021

Thought you may want to see this.

Subject: POD Daily News Clips 8/20/2021

Border crossings hit a new 21-year record with 212,672 migrants encountered in July

Alejandro Mayorkas announced on Thursday that Customs and Border Protection (CBP) encountered more than 212,000 migrants along the U.S.-Mexico border in July – yet another staggering increase as the border crisis prevails. ‘Allow me to share with you the CBP enforcement numbers for July – 212,672 persons were encountered attempting entry along the southwest border, a 13 per cent increase over June 2021.’ The new figures are a 21-year month high for encounters and nears the 1 million mark as the encounter count hits 934,257 when counting the data between February and July. In June, CBP reported it encountered 188,829 illegal immigrants at the border, which was the previous decade-long high before this month’s figures were released.

Read More: <https://texasnewstoday.com/border-crossings-hit-a-new-21-year-record-with-212672-migrants-encountered-in-july/411448/>

McFarland pursuing agreement with U.S. Marshals to keep private prison in San Diego open (Wester Region Detention Facility: S/CA – USMS Prisoner Population 595)

The city of McFarland is pursuing an agreement with the U.S. Marshals Service that would keep a 770-bed private prison in downtown San Diego from closing. The financially-strapped city would earn \$500,000 through the agreement. In return, the Marshals Service would be able to hold detainees at the site past Sept. 30, when its contract with operator GEO Group Inc. is set to expire. In a unanimous vote Wednesday, the McFarland City Council voted to pursue the project. The vote puts McFarland once again in the middle of a nationwide debate over private prisons and immigrant detention. The city is used to being in the middle of the political firestorm. It was instrumental in allowing the Mesa Verde ICE Processing Center in Bakersfield to open. The facility recently opened two “annexes” in McFarland, which were converted from two private prisons that had previously held state inmates. All three facilities are run by GEO.

The company claims its San Diego site, the Western Region Detention Facility, does not hold immigrants accused of entering the country illegally. However, community advocates say some immigrants have been held at the location, and they worry more could be detained there if it is allowed to remain open. “GEO has been pretty effective in keeping it under the radar, almost nonexistent,” said Adriana Jasso, a program coordinator with advocacy organization American Friends Service Committee. “For us to find out, it took a lot of asking and searching.” She said her brother was held at Western Region for an immigration violation for three months before he was deported to Mexico. “It was devastating, but it’s consistent with what we see,” she said. “I think it’s because they have done

such a good job of keeping it unnoticeable that there is not enough pushback from the general population yet.” Without the agreement with McFarland, or potentially another municipality, Western Region is at risk of closure. President Joe Biden signed an executive order in January barring the Department of Justice from renewing contracts with private detention facilities. As a bureau of the DOJ, the Marshals Service is unable to renew its contract with GEO, which will expire in little over a month. However, the Marshals Service can indirectly contract with GEO through a municipality, in an arrangement known as an intergovernmental agreement.

McFarland previously held an intergovernmental agreement with U.S. Immigration and Customs Enforcement, which allowed the agency to operate Mesa Verde in Bakersfield. The city canceled the agreement in 2018 after an investigation by the California State Auditor and Attorney General found multiple deficiencies and a lack of oversight at Mesa Verde. The Auditor's Office said in a report that McFarland and other cities had failed to properly oversee the detention facilities they administered. GEO was the subject of fierce criticism last year after more than half of its detainees at Mesa Verde tested positive for coronavirus. ICE later directly contracted with ICE to keep Mesa Verde open. The company is also suing Gov. Gavin Newsom and the state of California to overturn a state law that prohibits private prisons in the state. “As the California State Auditor has found, the federal government has entered into similar contracts with municipalities in California, including McFarland, for the sole apparent reason of evading federal procurement laws,” American Civil Liberties Union of Southern California Policy Advocate Rosa Lopez wrote in an email to The Californian. “This kind of contracting arrangement serves no legitimate governmental purpose.”

In a phone interview, she said the new proposal caught the ACLU off guard, and they were still trying to understand what it could mean. Officials from both the city of McFarland and San Diego did not respond to multiple requests for comment. A representative for the U.S. Marshals also did not answer questions about a potential intergovernmental agreement. Although GEO did not respond to questions from The Californian, Senior Vice President David Venturella told the McFarland City Council on Wednesday the U.S. Marshals had “run out of options.” “They do desire to keep the facility operational,” he said. “It supports a very critical federal law enforcement mission in southern California. In the past, McFarland has come under fire for its relationship with GEO. Last year, the city's Planning Commission initially denied a permit application from GEO that would allow the company to convert the two state prisons in the city into immigrant detention facilities. However, the council overturned the denial despite hundreds of community members protesting the decision. Any agreement with McFarland would ultimately have to be approved by the White House, giving some advocates hope this effort will ultimately fail. Still, GEO must first secure the agreement with McFarland before it can think about Washington D.C. “We just want to set expectations,” Venturella told the council, “that this is just the beginning of the process.” Source: https://www.bakersfield.com/news/mcfarland-pursuing-agreement-with-u-s-marshals-to-keep-private-prison-in-san-diego-open/article_516f9208-0142-11ec-9302-0b4933c400b6.html

One of Akron’s “most dangerous individuals” on run after funeral

For reasons unknown, the judge allowed Joe Fletcher to leave prison with his mother – no guards, no GPS. He was supposed to return to prison, but he did not.

AKRON, Ohio — He was once called one of Akron’s most dangerous individuals. A man who brazenly took to Facebook Live, once from his prison cell to brag about a murder and another to urge the killing of police. Today, that man is free, on the run after a judge released him from jail – without any security measures – to attend his daughter’s funeral. It’s a story federal authorities aren’t talking about but one that 3News Investigates Rachel Polansky is breaking with exclusive inside details. Akron’s own Joe Fletcher III is a career criminal with a flair for social media and gun violence. He went viral in 2018 when he took to Facebook Live, from inside an Atlanta prison, declaring himself the king and taking credit for a murder. “What happened happened, the streets is the streets,” Fletcher said on the Facebook live. “Everyone know I did it, I did it yeah.”

Akron Police had already labeled him one of the city’s “most dangerous individuals” for his history of drug trafficking and gun possession. After he was paroled, he was arrested in 2019 for beating his girlfriend. And a fed up judge ordered him to leave Ohio. But police say Fletcher was back in the Buckeye State last year, leading police on a high speed chase. Again, he took to Facebook as police closed in. “Look, if the police come, f*** the police, I’m shooting them,” Fletcher said in the Facebook live. “If them b****es at the end of these woods, I’m shooting at

those b****es.” Fletcher was jailed without bond when his young daughter died this month. He asked Federal Judge Solomon Oliver for permission to attend the services. Prosecutors approved the release, but asked for U.S. Marshals to escort Fletcher, calling him a flight risk and a threat to the community. But for reasons unknown, Judge Oliver allowed Fletcher to leave prison Wednesday morning with his mother – no guards, no GPS. Fletcher was supposed to return to jail by 7 p.m. on Wednesday. He did not return. Instead, he’s once again, a dangerous fugitive. 3News Investigates reached out to federal prosecutors and Judge Oliver. Neither of whom would comment.

Source: <https://rexweyleyler.com/one-of-akrons-most-dangerous-individuals-on-run-after-funeral/>

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Sent: Sat, 5 Mar 2022 00:17:57 +0000
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Subject: FW: MCC/GEO San Diego issue

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Sent: Friday, March 4, 2022 4:16 PM
To: (b)(6); (b)(7)(C); (b)(7)(F) (ODAG) (b)(6); (b)(7)(C); (b)(7)(F) @usdoj.gov>
Cc: (b)(6); (b)(7)(C) @casd.uscourts.gov; (b)(6); (b)(7)(C) @casd.uscourts.gov>; Stafford, (b)(6); (USMS) (b)(6); (b)(7)(C) @usms.doj.gov>
Subject: MCC/GEO San Diego issue

Mr. Folk,

I thought you should be aware of an issue that has come up in the Southern District of California. Yesterday, the MCC in San Diego informed the U.S. Attorney's Office and the U.S. Marshals Service that they are unable to accept any (b)(7)(E). The MCC is at full capacity in their (b)(7)(E) due to the ongoing COVID quarantine rules.

While we have been trying to draw down the number of detainees being held at GEO, we are once again forced to use GEO to accept (b)(7)(E) until at least (b)(7)(E). We are asking GEO to accept just (b)(7)(E) because we need to plan for the closure of the facility at the end of this month. This forces the U.S. Attorney's Office to filter all (b)(7)(E) in the district, including at the Ports of Entry, (b)(7)(E). This is a public safety issue that will surely re-occur because the MCC will again be at full capacity at unexpected times. But if GEO is gone, we will not have another facility to rely on as a backup for (b)(7)(E).

I thought you should be aware of what is going on in this district. Please let me know if you have questions. Thank you.

(b)(6); (b)(7)(C); (b)(7)(F)

(b)(6); (b)(7)(C); (b)(7)(F)

Chief Deputy
U.S. Marshals Service
Southern District of California

(b)(6); (b)(7)(C)

From: (b)(6), (b)(7)(C); (b)(7)(F) USMS)
Sent: Mon, 10 Jan 2022 22:59:05 +0000
To: (b)(6), (b)(7)(C); (b)(7)(F) (USMS) (b)(6), (b)(7)(C); (b)(7)(F) (USMS)
Subject: FW: GEO/GTI Transportation BPA
Attachments: Southern California Transportation Questions.docx
Importance: High

Guys,

Please fill this out as best you can and plan on sitting down to discuss with me tomorrow at noon.

Thanks

From: (b)(6), (b)(7)(C); (b)(7)(F) (USMS) (b)(6), (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Sent: Monday, January 10, 2022 2:29 PM
To: (b)(6), (b)(7)(C); (b)(7)(F) (USMS) (b)(6), (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Cc: (b)(6), (b)(7)(C); (b)(7)(F) (USMS) (b)(6), (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Subject: GEO/GTI Transportation BPA
Importance: High

Good evening Chief,

I have just sent you an invite to a meeting on Wednesday, that is set-up to get everyone on the same page for the BPA Transportation . In advance of the meeting attached is the questions GEO/GTI would like to discuss.

If you have any question feel free to contact me.

Respectfully,

(b)(6), (b)(7)(C); (b)(7)(F) MPA
Assistant Chief
Detention Standards & Compliance
Prison Operations Divisions
(b)(6), (b)(7)(C)

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San Diego, California

United States Marshals Service request for secure transportation

Court

- Will MCC San Diego effectively replace the Western Region Detention Facility (WRDF) housing USMS detainees for (b)(7)(E) court production to the San Diego Federal Court House? If not, where will they be housed?
- How frequently will detainees housed at USP Victorville be transported to the San Diego Federal Courthouse (daily, weekly)?
- How frequently will detainees housed at Central Vally Annex be transported to the San Diego Federal Courthouse (daily, weekly)?
- How Frequently will detainees housed at GEO El Centro be transported to the San Diego Federal Courthouse (daily, weekly)?
- What is the average number of detainees per day to/from each location above?
- What is the expected arrival time for court detainees at the San Diego Cellblock?
- What is the last pick-up time from the San Diego Cellblock?
- Considering the possible closure of WRDF, who would provide breakfast/lunch for court detainees?
- Where will the USMS house females requiring court appearances at the San Diego Federal Courthouse?
- Which county jails will GTI be required to pick up and drop off detainees, in addition to routine court productions? (San Bernadino, Santa Ana, Orange County etc.)

Medical questions

- Will the BOP assume responsibility for medical escorts?
- Will GTI be responsible for conducting all specialty appointments (Dentist, eye doctor, surgery consults, pregnancy appointments for female detainees)
- What is the current frequency of medical appointments from all locations (MCC, El Centro, San Diego, Central Valley)
- What is the average length stay for a detainee admitted to the hospital?
- On average, how many unscheduled hospital transports does each location have during a one-month period?
- Provide a list of approved facilities authorized for routine medical appointments, and detainee admittance. (b)(7)(E)

Airlift

- Will the BOP assume responsibility for transportation to the airlift? If not, what are the locations for airlift pick up and drop off? (b)(7)(E) Frequency from each location?
- Average number of detainees per airlift trip?

Other questions:

- Can GTI maintain permanent parking at MCC San Diego for Transportation vehicles?
- Will the USMS San Diego Office have space to embed GTI staff?
- What happens to the administrative support staff that works in the USMS cell block that is currently funded through the WRDF contract?

From: (b)(6), (b)(7)(C); (b)(7)(F) USMS)
Sent: Thu, 11 Mar 2021 02:00:25 +0000
To: (b)(6), (b)(7)(C); (b)(7)(F) USMS) (b)(6), (b)(7)(C); (b)(7)(F) (USMS)
Subject: FW: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities
Attachments: POD-Update on Executive Order Eliminating the Use of Privately Operated Criminal Detention Facilities.pdf
Importance: High

We can deal with this next week but I wanted you to be aware. Thanks for the help with everything!

From: (b)(6), (b)(7)(C); (b)(7)(F) USMS) (b)(6), (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Sent: Wednesday, March 10, 2021 2:03 PM
To: (b)(6), (b)(7)(C); (b)(7)(F) USMS) (b)(6), (b)(7)(C); (b)(7)(F) @usms.doj.gov> (b)(6), (b)(7)(C); (b)(7)(F) USMS)
(b)(6), (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Cc: (b)(6), (b)(7)(C); (b)(7)(F) USMS-CA/S) (b)(6), (b)(7)(C); (b)(7)(F) @usms.doj.gov> (b)(6), (b)(7)(C); (b)(7)(F) USMS)
(b)(6), (b)(7)(C); (b)(7)(F) @usms.doj.gov> (b)(6), (b)(7)(C); (b)(7)(F) USMS) (b)(6), (b)(7)(C); (b)(7)(F) @usms.doj.gov> (b)(6), (b)(7)(C); (b)(7)(F) USMS)
(b)(6), (b)(7)(C); (b)(7)(F) @usms.doj.gov> (b)(6), (b)(7)(C); (b)(7)(F) USMS) (b)(6), (b)(7)(C); (b)(7)(F) @usms.doj.gov> (b)(6), (b)(7)(C); (b)(7)(F) USMS)
(b)(6), (b)(7)(C); (b)(7)(F) @usms.doj.gov> (b)(6), (b)(7)(C); (b)(7)(F) USMS) (b)(6), (b)(7)(C); (b)(7)(F) @usms.doj.gov> (b)(6), (b)(7)(C); (b)(7)(F) USMS)
Subject: Executive Order and Otay Mesa - El Centro - Western Region Private Facilities
Importance: High

Chief's

Good afternoon, I pray that you are all doing well!

Consistent with the email notification Memorandum dated March 4, 2021, from Assistant Director John P. Sheehan, Prisoner Operations Division, regarding an Update on Executive Order Eliminating the Use of Privately Operated Criminal Detention Facilities, I have been tasked to support your district during the planning process for the potential draw down and relocation of our prisoner populations and operations at the facilities referenced below.

- Western Region Detention Facility (Option/Expiration: 9/30/21)
- El Centro Detention Facility (Option/Expiration: 12/21/21)
- Otay Mesa Detention Center (Option/Expiration: 12/19/21)

To begin this process, I am respectfully requesting an initial draft of a draw down plan be submitted to POD-Detention Operations by **Friday 3/19/21** for your district which should include:

(b)(7)(E)

(b)(7)(E)

POD will begin coordinating with the Office of Transportation and JPATS for the potential needs for post sentence movements out of the district leading up to the first facility (Western Region Detention Facility: 9/30/21) draw down and exit. Based upon your plan, POD will also be engaging the BOP alternatives and options identified in your plan.

I am readily available for you to discuss any matters regarding this pre-planning phase. Please feel free to reach out to me at your discretion.

Thank you

(b)(6); (b)(7)(C); (b)(7)(F)

USMS-HQS-POD-ODO

(b)(6); (b)(7)(C); (b)(7)(F) [@usdoj.gov](mailto:POD@usdoj.gov)

(b)(6); (b)(7)(C)

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U.S. Department of Justice

United States Marshals Service

Prisoner Operations Division

Washington, DC 20530-0001

March 4, 2021

MEMORANDUM TO: United States Marshals
Assistant Directors
Chief Deputy United States Marshals
Deputy Assistant Directors

FROM: John P. Sheehan
Assistant Director (b)(6), (b)(7)(C)

SUBJECT: Update on Executive Order Eliminating the Use of Privately
Operated Criminal Detention Facilities

On Tuesday, January 26, 2021, President Biden signed Executive Order (EO) 14006, entitled "Reforming Our Incarceration System to Eliminate the Use of Privately Operated Criminal Detention Facilities." On Wednesday, January 27, 2021, United States Marshals Service (USMS) Executive Leadership, the Prisoner Operations Division, the Office of Congressional and Public Affairs, and the Office of General Counsel met and determined that the USMS needed additional guidance and direction from the Department of Justice regarding the intended scope of the EO and its effect to current and pending detention contracts and agreements with our private detention partners.

Since January 27, 2021, USMS Executive Leadership has been in nearly constant contact with officials from the Office of the Deputy Attorney General (ODAG) and White House Counsel on the impact of the EO to USMS detention operations. USMS Executive Leadership prioritized discussions regarding contracts due to expire within the next 90 days, such as the contract for the Northeast Ohio Correctional Center (NEOCC), for determination of any immediate actions related to the EO.

The USMS recently received additional guidance from the ODAG regarding immediate actions to be taken concerning its contract detention facilities. The USMS has been prohibited from entering into any new contractual agreements with any private detention corporations for the acquisition of federal detention space. Furthermore, the USMS has been directed not to execute any new contract actions, such as exercising option years included in current contracts, with any private detention corporations.

Subject: Update on Executive Order Eliminating the Use of Privately Operated Criminal Detention Facilities

As a result of this directive, the USMS has taken steps to begin the drawdown of its detention population at NEOCC within the next 90 days. Upon the conclusion of this 90-day period, all USMS prisoners presently housed at NEOCC will have been relocated to alternate detention space in surrounding jurisdictions. USMS Executive Leadership has communicated with impacted districts on the conclusion of USMS operations within the facility and mobilized POD and the Justice Prisoner and Alien Transportation System (JPATS) to assist with acquiring additional bedspace and coordinating transportation strategies.

Although the ODAG and White House Counsel continue to discuss additional contractual agreements pending expiration within the next 90 days, the USMS must plan for the possible closure of additional facilities in the coming months. In the near future, POD and JPATS will communicate with host districts of contract detention facilities in an effort to plan for the possible drawdown in additional facilities. It is recommended that impacted districts communicate these developments regarding the EO to their respective judiciary, partnering agencies, and state/local detention space providers to ensure that all alternate bedspace available to the USMS is identified.

Lastly, USMS Executive Leadership has been in communication with the Administrative Office of the U.S. Courts regarding the impact of the EO and will continue to work with partnering agencies such as the Federal Bureau of Prisons on additional available pretrial detention space. POD will update you as soon as we are aware of any additional information. If you are receiving any local intelligence you think may be important to share, please contact myself, Deputy Assistant Directors Aaron Sawyer or (b)(6), (b)(7)(C), (b)(7)(F) or Chief (b)(6), (b)(7)(C), (b)(7)(F) POD Office of Detention Operations.

From: Stafford, Steve (USMS)
Sent: Wed, 22 Sep 2021 16:09:10 +0000
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(C); (USMS)
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS); (b)(6); (b)(7)(C); (USMS)
Subject: FW: Executive Order 14006 and GEO-USMS contract at Western Region Detention Facility
Attachments: 2021 09 21 WH ltr re GEO McFarland USMS FINAL.pdf

FYI. Please review and write responses to their allegations regarding GEO's **WRDF specifically**.
Thanks.

Steven C. Stafford
United States Marshal
Southern District of California

From: Bardis Vakili <BVakili@aclusandiego.org>
Sent: Tuesday, September 21, 2021 1:52 PM
To: (b)(6); (b)(7)(C) @who.eop.gov; (b)(6); (b)(7)(C) @who.eop.gov; (b)(6); (b)(7)(C) @who.eop.gov;
(b)(6); (b)(7)(C) @who.eop.gov
Cc: (b)(6); (b)(7)(C) @aclusocal.org; (b)(6); (b)(7)(C) @aclusocal.org; (b)(6); (b)(7)(C) @aclusocal.org;
(b)(6); @aclunc.org; (b)(6); (b)(7)(C) @aclusocal.org; (b)(6); (b)(7)(C) @aclusocal.org;
(b)(6); (b)(7)(C) @aclusocal.org; (b)(6); (b)(7)(C) (OAG); (b)(6); (b)(7)(C) @usdoj.gov;
(b)(6); @mcfarlandcity.org; (b)(6); @feinstein.senate.gov; (b)(6); (b)(7)(C) @feinstein.senate.gov;
(b)(6); @padilla.senate.gov; (b)(6); (b)(7)(C) @padilla.senate.gov; (b)(6); (b)(7)(C) @mail.house.gov;
(b)(6); @mail.house.gov; (b)(6); @mail.house.gov; (b)(6); (b)(7)(C) @mail.house.gov;
(b)(6); @mail.house.gov; (b)(6); (b)(7)(C) @mail.house.gov; (b)(6); @mail.house.gov;
(b)(6); (b)(7)(C) @mail.house.gov; (b)(6); (b)(7)(C) @mail.house.gov; (b)(6); (b)(7)(C) @mail.house.gov;
Stafford, Steve (USMS) (b)(6); @usms.doj.gov; (b)(6); (b)(7)(C) @doj.ca.gov
Subject: [EXTERNAL] Executive Order 14006 and GEO-USMS contract at Western Region Detention Facility

To the White House Domestic Policy Council Office,

Please find attached a letter from the ACLU affiliates in California expressing concern regarding the recently extended contract between the U.S. Marshals Service and The GEO Group to operate the Western Region Detention Facility in San Diego, as well as the reported consideration of the City of McFarland as a "pass-through" contractor to continue GEO's operation of the facility despite Executive Order 14006, *Reforming Our Incarceration System to Eliminate the Use of Privately Operated Criminal Detention Facilities*.

We look forward to your consideration of this important issue.

Sincerely,

Bardis Vakili | Senior Staff Attorney
ACLU Foundation of San Diego & Imperial Counties
P.O. Box 87131, San Diego, CA 92138-7131
619.398.4485

bvakili@aclusandiego.org

   [aclusandiego.org](https://www.aclusandiego.org)

ACLU San Diego and
FOUNDATION Imperial Counties

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September 21, 2021

The White House
Domestic Policy Council Office
1600 Pennsylvania Avenue
Washington, DC 20500

Via email

Re: GEO Contract at Western Region Detention Facility

To the White House Domestic Policy Council Office:

We write to urge you to take immediate action to carry out Executive Order 14006, “Reforming Our Incarceration System To Eliminate the Use of Privately Operated Criminal Detention Facilities,” by ensuring that the United States Marshals Service (“USMS”) does not permit prison corporation The GEO Group, Inc. (“GEO”) to continue operating the Western Region Detention Facility (“WRDF”).

Executive Order 14006 directs the Department of Justice to phase out reliance on privately operated criminal detention facilities, including by ordering the Attorney General not to renew contracts with such facilities. WRDF is a pre-trial federal detention facility in San Diego, California, that GEO is operating under a contract that had been set to expire on September 30, 2021. We were disappointed to learn that, rather than end GEO’s operation of the facility on that date, USMS has agreed to extend GEO’s involvement for another six months.¹ Having had months to prepare to end the contract, this last-minute extension represents a significant step backwards. It is the latest episode in what has become a disturbing pattern of schemes by private prison companies to thwart Executive Order 14006.

The extension provides GEO the opportunity to continue pursuing its ongoing plan to go around the Executive Order by paying the financially strapped City of McFarland, located 250 miles north of San Diego, \$500,000 to contract with USMS for detention services for and then to sub-contract the detention services back to GEO.² These legalistic machinations violate the fundamental legal precept that forbids accomplishing indirectly through an agent that which a rule prohibits directly. Evincing an unwavering pursuit of profit, they demonstrate the very “profit-based incentives to incarcerate”

¹ The GEO Group, Press Release, *The GEO Group Enters Into Six-Month Contract Extension with U.S. Marshalls Service for Western Region Detention Facility* (Sept. 21, 2021), available at <https://investors.geogroup.com/news-events-and-reports/investor-news/news-details/2021/The-GEO-Group-Enters-Into-Six-Month-Contract-Extension-With-U.S.-Marshalls-Service-for-Western-Region-Detention-Facility/default.aspx#investorNews>.

² Sam Morgen, *McFarland pursuing agreement with U.S. Marshals to keep private prison in San Diego open*, THE BAKERSFIELD CALIFORNIAN (Aug. 19, 2021), available at https://www.bakersfield.com/news/mcfarland-pursuing-agreement-with-u-s-marshals-to-keep-private-prison-in-san-diego-open/article_516f9208-0142-11ec-9302-0b4933c400b6.html; see also Agenda, McFarland City Council Special Meeting (August 18, 2021), available at https://www.mcfarlandcity.org/AgendaCenter/ViewFile/Agenda/_08182021-282.

animating Executive Order 14006.

Whether the extension is the result of poor planning and bureaucratic inertia in implementing the Executive Order, or a capitulation to prison companies' concerted efforts to render the Executive Order meaningless, it is an unfortunate setback that exposes serious questions whether the Administration's commitment to reduce incarceration and phase out private prisons will be proven through concrete action. We insist that the White House use this six-month period as an opportunity to wind down GEO operations at WRDF, and not to acquiesce to this brazen effort to bypass the Executive Order, as occurred earlier this year after a similar "extension" in Ohio,³ or to find new ways to line private prison pockets, as is reportedly underway in Kansas.⁴

Moreover, in light of the harms GEO has perpetrated on people detained at WRDF and the corporation's poor track record elsewhere, as illustrated by the examples below, the Administration should allow WRDF to be shut down when the current extension expires. Shuttering WRDF would represent a positive step, consistent with the Administration's stated policy to decrease incarceration levels. The White House's commitment to that policy is being tested. Now is the time to show resolve in moving it forward. We therefore ask that you intervene to prevent any further contract extension or pass-through contract for GEO to run WRDF.

I. President Biden's Executive Order

Within days of being sworn into office, President Biden issued Executive Order 14006, which recognizes the "broad consensus that our current system of mass incarceration imposes significant costs and hardships on our society and communities," "does not make us safer," and impacts "a disproportionate number of people of color."⁵ Pursuant to the Order, federal policy is "[t]o decrease incarceration levels" by reducing "profit-based incentives to incarcerate." With a goal of "phasing out the Federal Government's reliance on privately operated criminal detention facilities," the Order additionally states that "[t]he Attorney General shall not renew Department of Justice contracts with privately operated criminal detention facilities, as consistent with applicable law."

Although many advocates argued that President Biden's Executive Order did not go far enough by failing to include Department of Homeland Security ("DHS") detention,⁶ it was an important step

³ *Core Civic Expects the Contract with the United States Marshals Service at the Northeast Ohio Correctional Center Will Not be Renewed*, Global News Wire (Feb. 25, 2021) available at <https://www.globenewswire.com/en/news-release/2021/02/25/2182979/0/en/CoreCivic-Expects-the-Contract-with-the-United-States-Marshals-Service-at-the-Northeast-Ohio-Correctional-Center-Will-Not-be-Renewed.html>; Brandon Koziol, *Deal lets federal inmates stay at Youngstown private prison*, NBC 21 WFMJ (May 27, 2021); available at <https://www.wfmj.com/story/43980258/deal-lets-federal-inmates-stay-at-youngstown-private-prison>.

⁴ Carrie Johnson, *Biden Ended Contracts with Private Prisons. So One May Turn to House Immigrants*, NPR KPBS (Sept. 15, 2021), available at <https://www.npr.org/2021/09/13/1036576308/biden-ended-contracts-with-private-prisons-so-one-may-turn-to-house-immigrants>; Roxana Hegeman and Heather Hollingsworth, *White House urged to shutter privately run Kansas prison*, ASSOCIATED PRESS (Sept. 3, 2021), available at <https://apnews.com/article/prisons-kansas-202252fa64aa4979a7b0f9714f462756>

⁵ Executive Order 14006, *Reforming Our Incarceration System to Eliminate the Use of Privately Operated Criminal Detention Facilities* (January 26, 2021), available at <https://www.federalregister.gov/documents/2021/01/29/2021-02070/reforming-our-incarceration-system-to-eliminate-the-use-of-privately-operated-criminal-detention>.

⁶ Madeleine Carlisle, *'Much More Work To Be Done.'* Advocates Call for More Action Against Private Prisons After Biden's 'First Step' Executive Order, TIME MAGAZINE (Jan. 29, 2021), available at <https://time.com/5934213/private-prisons-ban-joe-biden/>.

towards curbing an industry that values profit over human life and public safety. GEO's McFarland scheme presents a vital early opportunity for the White House to reinforce the commitments made in the Executive Order and to send a clear message that the private prison industry's sustained effort to frustrate federal policy through such tactics will no longer be tolerated.

II. GEO and the City of McFarland's Plan to Thwart the Executive Order and Biden Administration Policy to Reduce Incarceration and Phase Out Reliance on Private Prisons

GEO Group is one of the largest private prison corporations in the United States, operating 114 facilities with nearly one hundred thousand beds.⁷ One such facility is WRDF in downtown San Diego, which has 770 beds for the pre-trial incarceration of people in USMS custody.⁸ GEO had been operating WRDF under a two-year option period of its contract with USMS, which was scheduled to end on September 30, 2021.⁹ We understand that USMS pays GEO nearly \$55 million a year to incarcerate presumptively innocent people at WRDF.¹⁰ Although USMS has the option to renew the GEO contract for additional optional periods until 2027, it may not do so pursuant to Executive Order 14006. Nevertheless, it was recently reported that USMS and GEO extended the contract for six months.¹¹

As a for-profit prison company seeking to continue reaping profits from U.S. taxpayers for imprisoning people, GEO is engaged in an open effort to undermine the Executive Order by encouraging the City of McFarland to enter into a contract with USMS to operate WRDF, and then to subcontract with GEO to actually operate the facility. This shell game would leave GEO in place operating WRDF, while the City of McFarland siphons half a million dollars from the contracting process for merely operating as a middleman. The six-month extension has gifted GEO an opportunity to see its plan to fruition.

On August 4, 2021, GEO CEO Jose Gordo reportedly stated on an earnings conference call that the company was in "discussions with the Marshals Service as to how to realign that contract" to operate WRDF in light of the Executive Order.¹² On August 18, 2021, the City of McFarland voted to pursue this scheme, including approval of a draft letter to John Sheehan, Assistant Director of the Prisoner Operations Division of USMS, to express the City's interest in entering into an Intergovernmental Agreement to operate WRDF.¹³ According to the City Manager, GEO originally reached out to

⁷ GEO, "Our Locations," available at <https://www.geogroup.com/Locations>. For more information on GEO, please see American Friends Service Committee, *Investigate: The GEO Group Inc.*, available at <https://investigate.afsc.org/company/geo-group>.

⁸ GEO, "Western Regional Detention Facility," available at <https://www.geogroup.com/FacilityDetail/FacilityID/37>

⁹ <https://www.businesswire.com/news/home/20210909006094/en/>.

¹⁰ See Contract Summary, PIID 15M40021FA3500005, available at https://www.usaspending.gov/award/CONT_AWD_15M40021FA3500005_1544_15M40018DA3500001_1544; see also Contract ODT-6-C-0002 at p.1, item 15A, available at <https://www.justice.gov/archive/odt/western-region-detention-facility.pdf>.

¹¹ GEO Press Release, *supra* n. 1.

¹² *The GEO Group's (GEO) CEO Jose Gordo on Q2 2021 Results – Earnings Call Transcript*, SEEKING ALPHA (Aug. 4, 2021), available at <https://seekingalpha.com/article/4445091-geo-groups-geo-ceo-jose-gordo-on-q2-2021-results-earnings-call-transcript>.

¹³ Morgen, *supra* n.2; see also Agenda, McFarland City Council Special Meeting (August 18, 2021), available at https://www.mcfarlandcity.org/AgendaCenter/ViewFile/Agenda/_08182021-282.

McFarland to propose the idea, and a GEO employee presented at the City Council meeting itself.¹⁴ The City estimates it would receive \$500,000 as an “administrative service fee” for serving as the pass-through contracting entity.¹⁵ Although the City of McFarland has not posted any updates on its negotiations since then, on September 9, 2021, GEO reportedly informed its investors that it is pursuing “various alternative contracting structures” to allow it to operate at WRDF notwithstanding the Executive Order.¹⁶ Now, news of the extension only furthers the goals of GEO by providing the company more time to see its plan through.

This scheme is at least the third example of a private prison company openly attempting an end-run around the Executive Order through such pass-through contracts. In March 2021, CoreCivic’s contract with USMS to run the Northeast Ohio Correctional Center was set to expire, but CoreCivic and USMS extended it, in apparent violation of the Executive Order, for 90 days.¹⁷ CoreCivic took advantage of the extra time it received through that extension. In May 2021, CoreCivic entered into a pass-through contract with Mahoning County in Ohio that allowed CoreCivic to continue incarcerating people in USMS custody at the facility, with Mahoning County reportedly siphoning about \$3 of the \$135/day price tag per incarcerated individual – potentially \$700,000 over three years – for its role as intermediary.¹⁸ Meanwhile, as noted in a letter to your office and USMS from several ACLU and Federal Public Defender offices in the region, CoreCivic has sought to enter into a pass-through contract with Leavenworth County to continue to incarcerate people in USMS custody at the Leavenworth Detention Center when the existing contract expires in December 2021.¹⁹

The GEO-McFarland scheme is particularly egregious because, unlike the above examples, McFarland is a small, remote city with no connection whatsoever to San Diego, where WRDF is located. Yet, with a population of 12,500, it seeks to continue the daily incarceration of 770 presumptively innocent people in a community 250 miles away. McFarland has engaged in similar pass-through contracts with GEO to operate an Immigration and Customs Enforcement (“ICE”) detention facility in nearby Bakersfield.²⁰ It would set a dangerous precedent to allow prison corporations to recruit far-flung municipalities to help them defy White House criminal justice policy.

With the extended USMS-GEO contract for WRDF expiring in six months, the White House must act to defeat these blatant efforts to strip the Executive Order of any meaningful impact. Rather than

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *The GEO Group Provides Update on U.S. Marshals Service Contract for Western Region Detention Facility in San Diego*, BUSINESS WIRE (Sept. 9, 2021), available at <https://www.businesswire.com/news/home/20210909006094/en/>.

¹⁷ *Core Civic Expects the Contract with the United States Marshals Service at the Northeast Ohio Correctional Center Will Not be Renewed*, Global News Wire (Feb. 25, 2021) available at <https://www.globenewswire.com/en/news-release/2021/02/25/2182979/0/en/CoreCivic-Expects-the-Contract-with-the-United-States-Marshals-Service-at-the-Northeast-Ohio-Correctional-Center-Will-Not-be-Renewed.html>.

¹⁸ Justin Dennis, *Though Biden wants to stop using them, Marshals can keep using Youngstown’s private prison*, Mahoning Matters (May 27, 2021), available at <https://www.mahoningmatters.com/local-news/though-biden-wants-to-stop-using-private-prisons-mahoning-can-keep-using-neocc-3814922>; Koziol, *supra* n. 3.

¹⁹ Letter from ACLU affiliates for Kansas, Iowa, Missouri, and Nebraska and Federal Public Defenders in Kansas, Iowa, Missouri, and Nebraska (Sept. 2, 2021), available at https://www.aclukansas.org/sites/default/files/field_documents/letter_regarding_corecivic_leavenworth_redacted.pdf.

²⁰ Rebecca Plevin, *Cash-strapped Central Valley city weighs plan to convert prisons into immigration detention centers* (Desert Sun Feb. 17, 2020), <https://www.desertsun.com/story/news/politics/immigration/2020/02/17/mcfarland-weighs-plan-convert-prisons-into-immigration-detention-centers/4718689002/>.

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. As described more fully below, with GEO's track record of harming people entrusted to its custody, including but not limited to WRDF, ending its operation of WRDF is necessary to protect the health and safety of the people detained there and to continue President Biden's goals of reducing incarceration levels and phasing out reliance on the private prison industry.

III. The White House Must Stand by the Executive Order and Prevent GEO from Continuing to Incarcerate People in USMS Custody at Western Region

President Biden issued the Executive Order precisely because of the issues inherent in allowing for-profit prison corporations to operate private detention facilities, noting that the Office of Inspector General determined such corporations fail to provide "the same levels of safety and security for people in the Federal criminal justice system or for correctional staff."²¹ In the case of GEO at WRDF and elsewhere, these harms are undoubtedly prevalent, as the company has relentlessly pursued profit and shown disregard for the wellbeing of people in its custody.

A. Dangerous Conditions and Constitutional Violations at WRDF

1. Abuse and Denial of Medical Care

We have received reports regarding GEO's frequent denial of medical care to people in USMS custody at WRDF.

- A 65-year-old individual recently held at WRDF, who had a heart arrhythmia, was diabetic, suffered from severe hearing and vision loss, and had survived a botched colon surgery that causes constant pain, was routinely denied medical care, even when his attorney would regularly email USMS and jail staff requesting such care. Although he had been hospitalized twice for a heart condition while in custody in a different facility, while in WRDF his requests for medical care regarding his heart and seeking access to insulin were consistently ignored. Although he reported that other people in custody steal his glucose meter strips, which he is unable to prevent due to his frailty, his requests were ignored. He frequently called his attorney begging for help to get taken to a hospital.²²
- In a case from this year, GEO denied medication for two weeks to a recently admitted fifty-three-year-old woman with multiple sclerosis and anxiety. She had received weekly injections for her MS since approximately 2013, but during GEO's weeks-long denial of her MS and mental health medication, she reported suffering multiple seizures at WRDF. After a hearing on the issue in which she requested to be taken to a neurologist, Magistrate Judge Anthony Battaglia ordered "the US Marshals and GEO... to schedule a neurologist follow-up appointment at the earliest available date," and to provide "physical therapy as previously prescribed along with access to the necessary equipment for the physical therapy." Rather than provide the treatment promptly, she was transferred to Santa Ana, California, reportedly "in error," according to USMS.²³

²¹ See Executive Order 14006.

²² Sentencing Memorandum, ECF 37, *United States v. Sevilla Avila*, No. 21-CR-0578-W (S.D. Cal.) (July 26, 2021).

²³ Motion for Orders Requiring Medical Care, to Show Cause Why USMS Should Not Be Held in Contempt, and to

- We learned of a 2020 case in which an individual in his 60s detained pre-trial at WRDF had fluid buildup in his lower legs that caused pain so severe he was unable to walk. Despite weeks of requests for medical care, GEO reportedly failed to provide routine treatment to prevent infection such as compression socks or regular medical appointments. His leg ultimately became severely infected, requiring his hospitalization and causing six week delay in his trial. Although he was not in a wheelchair when he was admitted to WRDF, his detention at WRDF resulted in his being wheelchair-bound at the time of his trial.²⁴
- Scott Miles Stout, a 56-year-old individual who was detained at WRDF from April to December 2018, filed a civil rights and disability discrimination lawsuit against GEO. Mr. Stout, who had suffered a broken leg prior to entering the facility, required a wheelchair and cane for mobility, but alleged that he was denied a wheelchair for six months despite his repeated requests. He also filed several grievances about accessibility to the showers, bathrooms, and community tables on the floor where GEO housed people with disabilities and serious medical conditions. Mr. Stout alleged that in response GEO guards singled him out as “the one” making the complaints and that “GEO personnel created a situation that required [him] to spend almost a week in solitary confinement” without access to his cane, wheelchair, or a shower.²⁵

These are just a few examples of the poor medical care provided by GEO to people detained at WRDF. We understand these and many more medical issues have been brought to the attention of USMS and GEO through both informal communication and court filings, but that many such cases involve filings under seal to protect the medical privacy rights of those involved.

2. Dangerous Conditions of Detention During the COVID-19 Pandemic

Reports of the conditions at WRDF have been especially troubling during the COVID-19 pandemic. There is now widespread consensus that carceral settings like WRDF present potential hotspots for COVID-19 outbreaks, requiring precautions including the reduction of incarcerated populations to permit social distancing. According to a recent study in the Journal of the American Medical Association Network, “anticontagion policies, including jail decarceration to minimize carceral outbreaks and their spillover to surrounding communities, appear to be necessary for epidemic control, public health, and mitigation of racial health disparities.”²⁶ The study found that, as of September 1, 2020, carceral settings “represented 90 of the top 100 COVID-19 clusters in the US.”²⁷

According to the Federal Defenders of San Diego, who represent clients detained at WRDF, many

Compel Evaluation by a Neurologist, ECF 48, *United States v. Caudillo*, No. 21-CR-775 (S.D. Cal.) (June 15, 2021).

²⁴ This information was shared with the undersigned by an individual familiar with the matter. Out of respect for their privacy, we have not identified either person in this public document.

²⁵ Verified First Amended Complaint, *Stout v. GEO Group, Inc., et. al.*, No. 37-2019-00000650-CU-CR-CTL (Feb. 27, 2019).

²⁶ Reinhart E, Chen DL, *Association of Jail Decarceration and Anticontagion Policies With COVID-19 Case Growth Rates in US Counties*. JAMA NETW OPEN. 2021;4(9):e2123405. doi:10.1001/jamanetworkopen.2021.23405 (Sept. 2, 2021), available at <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2783680> (“[L]arge-scale decarceration and changes to pretrial detention policies are likely to be important for improving US public health, biosecurity, and pandemic preparedness.”)

²⁷ *Id.*

people detained there had comorbidities that placed them at high risk of serious illness or death from COVID-19, yet people were still crammed into the facility so tightly that it was impossible to avoid physical contact with one another, much less maintain social distancing.²⁸ This included GEO forcing people to stand shoulder-to-shoulder for count. In addition, people detained at WRDF alleged in spring 2020 that:

- “water will shut off for days at a time, showers break,” “toilets will regularly clog,” and “[s]ewage is leaking from drains;”
- the facility was “frequently running out of soap;”
- guards did not regularly wear masks or require detained people to do so, despite outbreaks erupting in detention centers nationwide at that time, including one at the nearby CoreCivic-run Otay Mesa Detention Facility in San Diego County;
- due to a three-day water shut off, people detained inside were unable to wash their hands or shower, and “a trash can was filled with water for communal handwashing.”²⁹

Delays in the provision of medical care continued to be routine. One person stated that a “detainee with a cough and a fever asked to see a doctor but was refused.” Others estimated that routine medical requests take 4-7 days to process, and grievances for improved conditions went wholly unanswered or prompted retaliation, with guards calling those filing grievances “snitches” and denying them meals. The grave conditions prompted a hunger strike in which an estimated 100 detained people participated. As one detained person stated, “I feel like I’m going to die here.”³⁰

Given these conditions, it is unsurprising that the facility experienced a serious outbreak by fall, with at least 86 detained people and 10 staff members at WRDF testing positive in November 2020, in addition to another 54 GEO employees who had tested positive previously.³¹

3. WRDF’s Role in Past Constitutional Violations

To understand why reducing federal pre-trial incarceration will prevent future harm, it bears recalling the role that USMS facilities in San Diego, including WRDF, have played in past constitutional violations. These include the forcible separation of children from their parents during the Trump Administration. Many separations were caused by the implementation of the so-called “Zero Tolerance” policy targeting people seeking asylum at the Southern border, under which people who crossed the United States-Mexico border to request asylum would, as a blanket matter, be prosecuted for unlawful entry in violation of 8 U.S.C. § 1325, a misdemeanor, regardless of whether the case involved a parent traveling with a small child. In fact, the Department of Justice Office of Inspector General found that the government was fully aware that these prosecutions *would* result in forced

²⁸ Declaration of Joshua Jones dated April 8, 2020, ECF No. 40-1, *U.S.A. v. Aguilera-Baragan*, No. 19-CR-3017-JLS (S.D. Cal.) (June 10, 2020).

²⁹ *Id.*

³⁰ *Id.*

³¹ Alex Riggins, *At least 96 inmates, staff at one San Diego federal jail have COVID-19*, SAN DIEGO UNION-TRIBUNE (Nov. 2, 2020), available at <https://www.sandiegouniontribune.com/news/courts/story/2020-11-02/nearly-100-inmates-staff-at-san-diego-federal-jail-have-covid-19-c>.

separations, yet they pressed forward anyway.³²

Many separated parents charged in San Diego under Zero Tolerance were held in USMS custody, including at WRDF. Because GEO did not provide access to phones that could dial out to the government's 1-800 hotlines, supposedly provided to parents to learn what happened to their children, those parents would suffer for extended durations at WRDF with no information about their children's well-being. In one case among many, a man who had fled Guatemala with his 5-year-old daughter to seek asylum in the United States was arrested and charged with illegal entry. United States Border Patrol told him his daughter would remain at the Border Patrol station while he went to jail for 2 or 3 days, but he was reportedly detained at WRDF for several weeks while his daughter was sent to New York City without his knowledge. From WRDF, he was unable to get information about his daughter, and he eventually gave up his criminal defense and his claim for asylum in hopes of reuniting with her.

People have also been held at WRDF beyond their release dates after completing their sentences, in violation of their constitutional rights. In several cases involving people who accepted "time served" plea agreements, USMS allegedly failed to send release sheets to GEO, resulting in several extra days of custody each. In a particularly egregious 2018 case, an individual remained in GEO custody at WRDF for nearly two weeks beyond his release date. Because GEO gets paid by the day, GEO guards had no incentive to identify or rectify these lengthy periods of unlawful detention.

These violations are likely a small sampling of abuses at WRDF in recent years, but they are not one-off exceptions. Based on GEO's track record elsewhere, described further below, it is clear that they are the predictably pervasive result of an overly punitive pre-trial detention system that relies heavily on private prison corporations.

B. Dangerous Conditions at other GEO Facilities in California

GEO's business and detention operations elsewhere in California provide further cause for concern. As an initial matter, this is not the first time the company has attempted to enlist financially strained municipalities to participate in an end run around federal law. As the California State Auditor exposed, GEO has used McFarland (and the City of Adelanto) to circumvent procurement law in the context of immigration detention:

[I]f ICE contracted directly with the private operators, ICE would have to comply with federal procurement rules that generally require full and open competition unless a statutory exception to the competitive process applies. . . . City council documents show how the private operators worked with two of the cities to secure or amend the intergovernmental service agreements with ICE. . . . Under the terms of the detention subcontracts, each of the cities passed millions of dollars of federal payments through to the private operators . . . [E]ach city agreed to pay the private operator the same per-diem rate that the city is paid under the terms of the ICE

³² Dustin Jones, *Justice Department Knew 2018 Border Policy Would Separate Children from Families*, National Public Radio (Jan. 14, 2021), available at <https://www.npr.org/2021/01/14/957011268/justice-department-knew-2018-border-policy-would-separate-families>; DOJ OIG Report 21-028, *Review of the Department of Justice's Planning and Implementation of Its Zero Tolerance Policy and Its Coordination with the Departments of Homeland Security and Health and Human Services* (Jan. 2021), available at https://oig.justice.gov/sites/default/files/reports/21-028_0.pdf.

contract—essentially passing through all of the payments to the private operators.³³

The company's aversion to federal procurement law is matched by a disregard for the wellbeing of people in its custody, as illustrated by the following brief examples:

- A 44-year-old man died in April 2015 while detained at GEO's Adelanto Detention Facility. Despite suffering from evident symptoms of cancer for many months prior, the symptoms went unaddressed until the month he died. In February 2015, he pleaded for help in a grievance: "To who receives this. I am letting you know that I am very sick and they don't want to care for me. The nurse only gave me ibuprofen and that only alleviates me for a few hours. Let me know if you can help me. I only need medical attention." The doctor who eventually evaluated him said he had "the largest [abdominal mass] she had ever seen in her practice," which was "notably visible through the abdominal wall." A follow-up colonoscopy was not scheduled until close to a month later, and the man died soon thereafter.³⁴
- In 2015, GEO staff at the Mesa Verde facility in Bakersfield shackled—via handcuffs, ankle cuffs, and waist chain—a pregnant woman in need of urgent medical care for a trip to the hospital in the midst of a downpour. While getting into the vehicle, the woman tripped on the shackles and fell hard on her stomach, unable to break her fall—evidently resulting in a miscarriage. She began bleeding heavily the next day, yet GEO staff *again* handcuffed her while transporting her to the hospital.³⁵
- The DHS Office of Inspector General recently reported on the "poor condition" of GEO's Adelanto facility, "including mold and peeling paint on walls, floors, and showers, and unusable toilets" in the bathrooms, which creates "health issues for detainees, including allergic reactions and persistent illnesses." The report also found "egregious" violations of basic food safety practices, including exposed, unlabeled lunch meat in walk-in refrigerators, chicken that "smelled foul and appeared to be spoiled," and expired food in the freezer.³⁶

Furthermore, as with WRDF, GEO's callous indifference to the health of people in its custody has been on horrifying display during the COVID-19 pandemic in its other California facilities. In August 2020, months into the pandemic and after prior scathing judicial rebukes, a federal court found that GEO (and ICE), "having responded to the health crisis in such a cavalier fashion (even in the face of litigation and a string of court orders), have lost the credibility to complain that the relief requested by the plaintiffs is too rigid or burdensome" and "the right to be trusted" with ensuring the basic safety measures necessary to protect against the spread of COVID-19 at GEO's Mesa Verde facility.³⁷ In December 2020, the same court described the conduct of GEO officials in charge of Mesa Verde as "appalling," citing the company's continued failure to put in place a plan to minimize

³³ California State Auditor, *Report 2018-117, City and County Contracts with U.S. Immigration and Customs Enforcement* (Feb. 2019), at 15-16, <https://www.auditor.ca.gov/pdfs/reports/2018-117.pdf>.

³⁴ Clara Long & Grace Meng, *Systemic Indifference: Dangerous & Substandard Medical Care in US Immigration Detention*, Human Rights Watch (May 8, 2017), available at <https://www.hrw.org/report/2017/05/08/systemic-indifference/dangerous-substandard-medical-care-us-immigration-detention>.

³⁵ ACLU SoCal, *Shackle A Pregnant Woman, Risk A Foreseeable Tragedy* (June 18, 2015), <https://www.aclusocal.org/en/news/shackle-pregnant-woman-risk-foreseeable-tragedy>.

³⁶ Office of Inspector General, *Concerns about ICE Detainee Treatment and Care at Four Detention Facilities*, at 4, 8, OIG-19-47 (June 3, 2019), <https://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-Jun19.pdf>.

³⁷ *Zepeda Rivas v. Jennings*, No. 20-cv-02731-VC, 2020 WL 4554646, at *1 (N.D. Cal. Aug. 6, 2020).

the risk of, and contain, any COVID-19 outbreak.³⁸ Another federal court found that the conditions of confinement at GEO's Adelanto facility in April 2020 were "inconsistent with contemporary standards of human decency"³⁹ Worse, the company has responded to individuals' pleas for meaningful measures to address these legitimate health and safety concerns with retaliation in violation of the First Amendment.⁴⁰

Hundreds of individuals in GEO's custody at Adelanto and Mesa Verde have been infected with COVID-19 during the pandemic,⁴¹ and untold hundreds more would have been infected absent emergency judicial intervention. Yet even as the pandemic rages on and even as GEO fails to commit publicly to vaccinate or consistently test staff, the company continues to unabashedly fight to lift the population restrictions at both facilities. On June 3, 2021, dissatisfied that ICE's approach to repopulating the Adelanto was too gradual, GEO sought to intervene, openly arguing that its interest in enriching itself financially was not aligned with the federal government's interest—and constitutional obligation—to provide safe conditions at the facility: "Since GEO is compensated for the use and operation of the Adelanto facility, capacity restrictions at Adelanto directly affect GEO's economic interests," GEO wrote.⁴² The company—but not ICE—has also sought to modify the court-imposed population limits at Mesa Verde. In sum, GEO's orientation toward profit has driven it to seek court orders allowing it to repopulate Adelanto and Mesa Verde even more quickly than ICE has seen fit to do.

The pattern is clear: Across its business decisions and operations in California, GEO prioritizes its relentless pursuit of profit far above any other concern.

C. Over-reliance on Pre-Trial Detention in the Southern District of California

Not only should the White House prevent GEO from continuing to operate WRDF, but the facility should be shut down altogether in furtherance of the Biden Administration's stated policy to move away from a system of mass incarceration. As the Supreme Court noted more than 40 years ago, "[p]retrial confinement may imperil the suspect's job, interrupt his source of income, and impair his family relationships." *Gerstein v. Pugh*, 420 U.S. 103, 114 (1975). Recent history has demonstrated this to be indisputably true, with the impacts borne disproportionately by communities of color and other vulnerable people in our society.⁴³

Although courts have found that incarceration based on a person's inability to pay violates the Constitution,⁴⁴ many people who are offered bail – meaning they have been deemed suitable for

³⁸ *Zepeda Rivas v. Jennings*, 504 F. Supp. 3d 1060, 1064 (N.D. Cal. 2020).

³⁹ *Roman v. Wolf*, No. EDCv-2000768-TJH, 2020 WL 1952656, at *8 (C.D. Cal. Apr. 23, 2020).

⁴⁰ Complaint to DHS Office of Civil Rights and Civil Liberties submitted to Katherine Culliton-Gonzalez, et al., *First Amendment Retaliation Against Individuals in Immigration Detention in California*, dated Aug. 26, 2021, available at https://www.aclunc.org/sites/default/files/OCRCL%20complaint.08.26.21%20_0.pdf.

⁴¹ U.S. Immigration and Customs Enforcement, *ICE Guidance on COVID-19*, <https://www.ice.gov/coronavirus> (last visited Sept. 16, 2021).

⁴² Andrea Castillo, *California banned private prisons, immigrant detention centers. Will the law survive court?* (LA Times June 15 2021), <https://www.latimes.com/california/story/2021-06-15/california-banned-private-prisons-immigrant-detention-centers-will-the-law-survive-court>.

⁴³ Leon Digard and Elizabeth Swavola, *Justice Denied: The Harmful and Lasting Effects of Pretrial Detention*, THE VERA INSTITUTE (April 2019), available at <https://www.vera.org/downloads/publications/Justice-Denied-Evidence-Brief.pdf>.

⁴⁴ *Bearden v. Georgia*, 461 U.S. 660 (1983); *Pugh v. Rainwater*, 572 F.2d 1053, 1057 (5th Cir. 1978); cf. *Hernandez v.*

release under certain conditions – remain incarcerated simply because they cannot afford their release.⁴⁵ Compounding the problems posed by financial limitations, Black and Latinx people are more likely to be detained without bail or forced to contend with significantly higher bail amounts than white people.⁴⁶ Because pre-trial detention necessarily puts jobs at risk and places financial hardship on families left at home, it also creates pressure to accept unfavorable plea bargains.⁴⁷ As a result, pre-trial incarceration has been shown to correspond to harsher and longer sentences.⁴⁸ Taken together, these factors serve to perpetuate the mass incarceration problem generally and the racial disparities in the system specifically.

The majority of federal defendants in the Southern District “are charged with non-violent crimes such as immigration status offenses.”⁴⁹ Yet, despite the growing consensus regarding the harm caused by pre-trial detention, it is our understanding that prosecutors in the Southern District of California refuse “to agree to pre-trial release for detained people,” even during the pandemic, and routinely ask for high cash or property bonds knowing that the defendants cannot meet them.⁵⁰ As a result, many people in the Southern District of California remain in custody pre-trial at facilities like WRDF simply because they are financially unable to meet the bond set. If true, this almost certainly results in more people being detained pre-trial than necessary.

Rather than pay exorbitant sums to private prison corporations to incarcerate people pre-trial, government resources would be better spent investing in community-based alternatives to detention, which have been proven to achieve the same goals as pre-trial detention without the harsh impacts of incarceration.⁵¹ As the Supreme Court has noted, “[i]n our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.” *United States v. Salerno*, 481 U.S. 739, 755 (1987). Consistent with this core Constitutional principle, investing in community-based alternatives to detention and exercising discretion to not seek impossibly high bail amounts will help ensure fewer people are unnecessarily incarcerated in the Southern District of California, which will facilitate the closure of WRDF. These are important and necessary steps if the Biden Administration hopes to achieve its goals of reducing mass incarceration.

Sessions, 872 F.3d 976, 991-92 (9th Cir. 2017).

⁴⁵ Mathilde Laisne, Jon Wool, and Christian Henrichson, *Past Due: Examining the Costs and Consequences of Charging for Justice in New Orleans*, THE VERA INSTITUTE OF JUSTICE, at 7 (Jan. 2017), available at <https://www.vera.org/downloads/publications/past-due-costs-consequences-charging-for-justice-new-orleans.pdf>.

⁴⁶ Digard and Swavola, *supra* n. 43.

⁴⁷ Will Dobbie, Jacob Goldin, and Crystal Yang, *The Effects of Pretrial Detention on Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges*, *American Economic Review* 2018, 108(2): 201-240 at 202 & n.1 (Feb. 2018), available at <https://www.aeaweb.org/articles?id=10.1257/aer.20161503>.

⁴⁸ Christopher T. Lowenkamp, Marie VanNostrand, Alexander Holsinger, *Investigating the Impact of Pretrial Detention on Sentencing Outcomes*, THE LAURA AND JOHN ARNOLD FOUNDATION, at 10-11 (Nov. 2013), available at <https://nicic.gov/investigating-impact-pretrial-detention-sentencing-outcomes>.

⁴⁹ Letter from Kathryn N. Nester, Executive Director of Federal Defenders of San Diego, Inc. to Senator Kamala Harris (March 31, 2020), available at <https://www.voiceofsandiego.org/wp-content/uploads/2020/04/FDSOI-COVID-19-letter-to-Sen.-Harris.pdf>.

⁵⁰ *See id.*

⁵¹ Jennifer Elek, Sara Sapia, and Susan Keilitz, *Use of Court Date Reminder Notices to Improve Court Appearance Rates*, PRETRIAL JUST. CTR. FOR CTS. (Sept. 2017), available at https://www.ncsc.org/_data/assets/pdf_file/0015/1635/pjcc-brief-10-sept-2017-court-date-notification-systems.ashx.pdf.

IV. Conclusion

GEO's involvement in perpetuating harm at WRDF could have been over on September 30, 2021. Taking the Administration at its word as expressed in the Executive Order, it should have been. Yet, despite months to prepare for the contract's termination, it was extended for six months at the last minute. The White House now has the opportunity to use those six months to ensure that President Biden's Executive Order regarding private detention facilities still has meaning. We therefore encourage the White House to intervene to ensure that (1) GEO's contract to operate WRDF is not renewed or extended any further, (2) the facility shuts down on schedule at the end of the current six-month extension, including by encouraging federal prosecutors to pursue alternatives to detention, and (3) moving forward, USMS includes in any Intergovernmental Agreement for detention services a provision that prohibits subcontracting to private prison corporations.

Respectfully,



Bardis Vakili, Senior Staff Attorney
ACLU Foundation of San Diego & Imperial Counties

Summer Lacey, Criminal Justice Director and Senior Staff Attorney
Rosa Lopez, Senior Policy Advocate & Organizer
Stephanie Padilla, Staff Attorney
Maira Rios, Policy Advocate and Organizer
Jordan Wells, Staff Attorney
ACLU of Southern California

Yoel Y. Haile, Criminal Justice Program Director
ACLU of Northern California

Cc: Merrick Garland, Attorney General of the United States
Department of Justice Office of Inspector General
Steven Stafford, U.S. Marshalls Service, Southern District of California
Diane Feinstein, U.S. Senator, California
Alex Padilla, U.S. Senator, California
Mike Levin, U.S. Representative, 49th District, California
Darrel Issa, U.S. Representative, 50th District, California
Juan Vargas, U.S. Representative, 51st District, California
Scott Peters, U.S. Representative, 52nd District, California
Sara Jacobs, U.S. Representative, 53rd District, California
Rob Bonta, Attorney General of California
Sally Gonzalez, Mayor, City of McFarland

From: (b)(6); (b)(7)(C); (b)(7)(E) (USMS)
Sent: Thu, 15 Jul 2021 19:46:36 +0000
To: (b)(6); (b)(7)(C); (b)(7)(E) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Cc: (b)(6); (b)(7)(C); (b)(7)(E) (USMS)
Subject: Drawdown report

Anything new needed to the Drawdown Report below?

Western Region Detention Facility **Expiration Date: 9/30/2021**

District: Southern District of California

District Population in the Facility: (662)

Designated Population in the Facility: (24)

Current Prisoner Movement Plan:

- Assessing options for a non-profit to operate the facility.
- Routine bus trips (b)(7)(E) removing post sentenced prisoner populations in-district.
- Assessing FCI Victorville.

Challenges:

- FCI Victorville is 3 hours, one-way.
- Complex prisoner populations: (b)(7)(E)
- Additional funding and demand for transportation and guards.
- The Judiciary is increasing the demand for in-person prisoner productions.

(b)(6); (b)(7)(C); (b)(7)(E)
Senior Inspector
Prisoner Operations Division
United States Marshals Service
(b)(6); (b)(7)(C)

Thank you

(b)(6); (b)(7)(C); (b)(7)(F)

Assistant Chief | Detention Operations

USMS | Prisoner Operations Division

(b)(6); (b)(7)(C); (b)(7)(F) [@usdoj.gov](#)

(b)(6); (b)(7)(C)

[Join Microsoft Teams Meeting](#)

[Learn more about Teams](#)

From: (b)(6); (b)(7)(C); (USMS)
Sent: Mon, 14 Feb 2022 18:44:48 +0000
To: (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); (USMS)
(USMS) (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); (b)(7)(F)
(USMS) (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); (b)(7)(F) USMS (b)(6); (b)(7)(C);
(USMS) (b)(6); (b)(7)(C); (b)(7)(F) USMS (b)(6); (b)(7)(C); USMS (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C);
(USMS) (b)(6); (b)(7)(C); USMS (b)(6); (b)(7)(C); USMS (b)(6); (b)(7)(C); USMS (b)(6); (b)(7)(C); (USMS) (b)(6);
(b)(6); (USMS)
Cc: (b)(6); (b)(7)(C); (b)(7)(F) USMS (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); (b)(7)(F)
(USMS) (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (USMS); Sheehan, John (USMS) (b)(6); (b)(7)(C);
(USMS); Sawyer, Aaron (USMS) (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); USMS
Subject: Canceled: Drawdown bi-weekly meeting - Willacy Co. (S/TX) and Western
Region (S/CA)
Importance: High

“Teams invite updated”

Good morning!

With just a little under 90 days to our Executive Order (EO) requirement to drawdown our USMS population at both Willacy Co (S/TX) and Western Region (S/CA), we will begin to host bi-weekly meetings until 3/2/22 and then weekly meetings from 3/2/22 until the deadline of 3/30/22.

Thank you

(b)(6); (b)(7)(C); (b)(7)(F)
Assistant Chief | Detention Operations
USMS | Prisoner Operations Division
(b)(6); (b)(7)(C); (b)(7)(F) @usdoj.gov
(b)(6); (b)(7)(C)

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**AGENDA
MCFARLAND CITY COUNCIL
MCFARLAND SUCCESSOR AGENCY
MCFARLAND PUBLIC FINANCE AUTHORITY
MCFARLAND IMPROVEMENT AUTHORITY
MCFARLAND PARKING AUTHORITY
MCFARLAND USA FOUNDATION**

**SPECIAL MEETING
CITY COUNCIL CHAMBERS
103 W. SHERWOOD AVE, MCFARLAND, CA**

**August 18, 2021
6:00 PM**

In Person Meeting

How to submit public comments:

The meetings of the City Council and all municipal entities, commissions, and boards ("the City") are open to the public. At regularly scheduled meetings, members of the public may address the city on any item listed on the agenda, or on any non-listed matter over which the city has jurisdiction. At special or emergency meetings, members of the public may only address the city on items listed on the agenda.

There is a time limitation of two minutes per person. For any item that is not on the agenda and within the jurisdiction or interest of the city, please come to the podium at this time. The Brown Act does not permit any action or discussion on items not listed on the agenda. If you wish to speak regarding a scheduled agenda item, please come to the podium when the item number and subject matter are announced, and the mayor opens Public Comment on the item. When recognized, please begin by providing your name and address for the record (optional). Anyone wishing to submit written information at the meeting needs to furnish ten (10) copies to the City Clerk in advance to allow for distribution to City Council, staff, and the media. Willful disruption of the meeting shall not be permitted. If the Mayor finds that there is in fact willful disruption of any City Council Meeting, he/she may order the disrupting parties out of the room and subsequently conduct the City's business without them present.

Americans with Disabilities Act:

In compliance with the ADA, if you need special assistance to participate in a city meeting or other services offered by the City, please contact the City Clerk's office, at (661) 792-3091 ext. 2135. Notification of at least 48 hours prior to the meeting, or time when services are needed, will assist the city staff in assuring those reasonable arrangements can be made to provide accessibility to the meeting or services.

CALL TO ORDER: Mayor Sally Gonzalez

ROLL CALL:

Mayor/Chairman, Sally Gonzalez
Mayor Pro Tem, María T. Pérez
Council Member/Board Member, Saul Ayon
Council Member/Board Member, Ricardo Cano
Council Member/ Board Member, Vidal Santillano

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT: The public may address the Council/Board Member on items that appear on the agenda. Council/Board Members may respond briefly to statements made or questions posed. They may ask a question for clarification; may refer the item to staff for further study or for placement on a future agenda. **Speakers are limited to two minutes for each person. Please state your name and address for the record prior to making a presentation. Fifteen minutes total will be allowed for any one subject.**

ADMINISTRATIVE AGENDA

1. Report, Discuss and Approve City of McFarland Pursuing an Intergovernmental Agreement (IGA) with United States Marshals Service and The GEO Group, Inc. for Western Region Detention Facility located in San Diego, CA.

CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATORS (Pursuant to Government Code, § 54957.6):
City Negotiator: Che Johnson; Employee Organization: McFarland Police Officers Association (MPOA).

ADJOURNMENT

This is to certify this agenda was posted at McFarland City Hall on August 26, 2021.



Sarah Drake, Interim City Clerk



Maria Lara, City Manager

Next Meeting: Regular City Council Meeting August 26, 2021.

The City of McFarland does not discriminate on the basis of disability and complies with the provisions of the Americans with Disabilities Act (ADA). If you need special assistance to participate in this meeting, please contact the City Clerk's Office at (661) 792-3091 at least one business day prior to the meeting to make reasonable arrangements to ensure accessibility to this meeting.

**MEMORANDUM
CITY OF MCFARLAND**

TO: Honorable Mayor and City Council

FROM: Maria Lara, City Manager

DATE: August 18, 2021

SUBJECT: Report, Discuss and Approve City of McFarland Pursuing an Intergovernmental Agreement (IGA) with United States Marshals Service and The GEO Group, Inc. for Western Region Detention Facility located in San Diego, CA.

RECOMMENDATION:

Staff recommends the City Council authorize the City Manager and or Mayor to sign the attached letter pursuing/initiating the course for an Intergovernmental Agreement (IGA) with United States Marshals Service to allow for the continued utilization of the Western Region Detention Facility located in San Diego, CA.

BACKGROUND:

It has come to the City of McFarland attention that US Marshals Service Agency may be seeking a municipality to enter into an Intergovernmental Agreement to allow for the continued utilization of the Western Region Detention Facility located in San Diego, CA, which is operated by The GEO Group, Inc.

The letter will indicate our interest in initiating an Intergovernmental Agreement with US Marshals Service for that purpose and partnering with The GEO Group, Inc. to provide the services needed outside of the city limits in San Diego.

FISCAL IMPACT:

This Intergovernmental Agreement has an administrative service fee of approximately \$500,000.00, which if approve by US Marshals and City Council could generate new revenue for the city.

ATTACHMENTS:

- 1) Letter for Initiation of Intergovernmental Agreement
- 2) 2015 Intergovernmental Service Agreement with U.S. Immigration and Customs Enforcement (ICE), McFarland partnered with The GEO Group, Inc (GEO)
- 3) Intergovernmental Service Agreement (IGA) Service Contact (SAMPLE)

August 18, 2021

John Sheehan
Assistant Director
Prisoner Operations Division
United States Marshals Service
1215 South Clark Street
Arlington, VA 22202

Re: Initiation of Intergovernmental Agreement (IGA)

Dear Assistant Director Sheehan,

The City of McFarland has long supported the federal government's critical detention mission in the state of California. In 2015, through an Intergovernmental Service Agreement (attached) with U.S. Immigration and Customs Enforcement (ICE), McFarland partnered with The GEO Group, Inc (GEO). to provide ICE with a much-needed immigration processing center located outside the city limits in nearby Bakersfield, CA. Additionally, in the past year, through a contract between ICE and GEO, the Central Valley Detention Facility located in the city of McFarland is currently housing USMS detainees to support your Agency's needs.

It has come to our attention that your Agency may be seeking a municipality to enter into an Intergovernmental Agreement to allow for the continued utilization of the Western Region Detention Facility located in San Diego, CA. This letter is to indicate our interest in initiating an Intergovernmental Agreement with your Agency for that purpose.

Please feel free to contact me so we can pursue the next steps to begin this process with your Agency. I want to thank you in advance for your consideration and look forward to our response.

Sincerely,

Maria Lara
City Manager
City of McFarland

Sally Gonzalez
Mayor
City of McFarland

Attachment

SERVICES CONTRACT

THIS SERVICES CONTRACT, is entered into effective _____ by and between _____, a Local Government entity, (address) _____, herein referred to as _____ and The GEO Group, Inc. 4955 Technology Way, Boca Raton, Florida 33431, hereinafter referred to as GEO.

WHEREAS, _____ and the _____ have entered into as Intergovernmental Agreement (IGA) for the detention and care of detainees, (hereinafter referred to as Detainees) by _____, which IGA is attached hereto and incorporated herein by reference as Exhibit A.

WHEREAS, GEO has the ability by subcontract to make beds available to _____ in a _____-bed existing detention facility located at (Address) _____ hereinafter referred to as the Facility, in which _____ may arrange to detain and care for Detainees; and

WHEREAS, _____ desires to enter into a services contract with a subcontractor for the provision, management and operation of a detention facility for the detention and care of Detainees and to otherwise perform _____ responsibilities and obligations as set for the in the IGA;

WHEREAS, in order to fulfill its obligations under the IGA, _____ intends to enter into this Services Contract with GEO, which Services Contract requires GEO to perform all duties and accept all responsibilities incumbent upon _____ pursuant to and consistent with the terms of the IGA;

WHEREAS, _____ is empowered by law to enter into this contract with GEO for the detention and care of Detainees at the Facility;

NOW THEREFORE, for and in consideration of the mutual covenants, conditions and promises contained herein, the parties hereto agree as follows:

1.0 DEFINITIONS

All capitalized terms used herein shall have the same definition as those terms have in the IGA, unless otherwise indicated herein.

2.0 PARTIES' ADMINISTRATIVE/OPERATIONAL OBLIGATIONS

GEO acknowledges, accepts, and agrees without limitation to the scope of, an limitations upon the authority, duties and responsibilities of _____ and _____ under the IGA, and GEO hereby assures and agrees without limitation to perform _____ obligations and responsibilities as set forth in the IGA, subject to and in full accordance with the terms and conditions set forth therein, including without limitation the authority of the USMS Contracting Officer's Technical Representative (COTR) and the applicability of the most

current editions of _____ Standards, as though such obligations and responsibilities of _____ were fully rewritten herein as applying to GEO.

3.0 PERIOD OF PERFORMANCE

This Contract shall be effective from the date that the IGA is effective and shall continue so long as _____ and USMS are parties to the IGA, or any extension thereof, unless earlier terminated.

4.0 FACILITY ACTIVATION SCHEDULE

GEO hereby assumes and agrees without limitation to perform _____ obligations and responsibilities with respect to the Facility activation schedule as set forth in the IGA (page 10-11 of Exhibit A), subject to and in full accordance with the terms and conditions set forth therein, as though such obligations and responsibilities of _____ were fully rewritten herein as applying to GEO.

5.0 PAYMENT RATES

_____ shall pay GEO for its services under this Contract the same per diem rates for Detainees housed under this Contract as _____ is paid by _____ under the terms of the current IGA (set forth in Exhibit A). GEO acknowledges and agrees to bill _____ on the same basis as _____ is permitted to bill _____, i.e., for the day of arrival of a Detainee, but not for the day of departure, as set forth in the IGA.

6.0 PRICE ADJUSTMENTS

GEO shall be entitled to receive the same price adjustment from _____ to the payment rates set forth in the IGA, as _____ may receive from time to time from USMS to cover Service Contract Act and any other applicable increases as set forth in the IGA.

7.0 ADMINISTRATIVE FEE

In recognition of _____ costs in time and resources to administer the IGA entered into with _____ and this Agreement with GEO, GEO agrees to pay to _____ a monthly Administrative Fee in the amount of \$XX,XXX (\$XXX,XXX annually) beginning on the first day a Detainee is housed in the Facility.

8.0 MODIFICATION

This Contract, or any of its specific provisions, may be revised or modified by signatory concurrence of the undersigned parties, or their respective official successors.

9.0 TRANSPORTATION SERVICES

GEO hereby assumes and agrees without limitation to perform _____ obligations and responsibilities with respect to the transportation services as set forth in the IGA, subject to and in full accordance with the terms and conditions set forth therein, as though such obligations and responsibilities of _____ were fully rewritten herein as applying to GEO.

10.0 GUARD SERVICES

GEO hereby assumes and agrees without limitation to perform _____ obligations and responsibilities with respect to stationary guard services for Detainees attending off-site court proceedings or who are committed to a medical facility, as set forth in the IGA, subject to and in full accordance with the terms and conditions set forth therein, as though such obligations and responsibilities of _____ were fully rewritten herein as applying to GEO.

11.0 MEDICAL SERVICES

GEO hereby assumes and agrees without limitation to perform _____ obligations and responsibilities with respect to medical services for USMS Detainees as set forth in the IGA, subject to and in full accordance with the terms and conditions set forth therein, as though such obligations and responsibilities of _____ were fully rewritten herein as applying to GEO.

12.0 RECEIPT AND DISCHARGE OF FEDERAL DETAINEES

GEO hereby assumes and agrees without limitation to perform _____ obligations and responsibilities with respect to the receipt and discharge of Detainees as set forth in the ISA, subject to and in full accordance with the terms and conditions set forth therein, as though such obligations and responsibilities of _____ were fully rewritten herein as applying to GEO.

13.0 INSPECTION

GEO hereby acknowledges and agrees without limitations to the rights of USMS and _____ to perform periodic inspections of the Facility by _____ and/or _____ inspectors, subject to and in full accordance with the terms and conditions set forth in the IGSA, as though such right of inspection was fully rewritten herein as applying to GEO.

14.0 BILLING PROCEDURE

GEO hereby assumes and agrees without limitation to perform _____ obligations and responsibilities with respect to the procedures for preparing and submitting payment invoices as set forth in the IGA, subject to and in full accordance with the terms and conditions set forth therein, as though such obligations and responsibilities of _____ were fully rewritten herein as applying to GEO. _____ hereby appoints GEO as its billing agent for all purposes set forth herein and in the IGA.

15.0 ATTACHMENTS

GEO hereby acknowledges the attached IGA, and agrees without limitation to the applicability and enforceability of such attachments to GEO's performance under this IGA in full accordance with the terms and conditions set forth therein, as though such obligations and responsibilities of _____ thereunder were fully rewritten herein as applying to GEO.

16.0 PHYSICAL PLANT/PROPERTY TAXES

GEO hereby assumes and agrees without limitation to fully and properly maintain the Facility's physical plant, without any cost to _____, and to pay property taxes assessed against the Facility by the _____ taxing authority as same become due and payable.

17.0 INDEMNIFICATION AND INSURANCE

17.1 Insurance. In connection with all aspects of the management and operation of the Facility, including any functions performed by contractors and sub-contractors, GEO will maintain and provide evidence of a comprehensive and adequate plan of insurance coverage, including the following:

- A.** Workers Compensation, including Employers Liability Coverage, as statutorily required.
- B.** Commercial General Liability Limits of Liability
 - General Aggregate (Other than Products/Completed Operations) \$5,000,000; Coverage includes Form CG 25 04 0509 – Designated Locations – General Aggregate Limit Endorsement
 - Each Occurrence Limit \$1,000,000
 - General Liability Coverage shall include:
 - Premises-Operations Liability
 - Products and Completed Operations Liability
 - Liability assumed by GEO under this Agreement or an agreement with a third party
 - Physical Damage to Property in GEO's care, custody or control
 - Liability to the County or unrelated third parties for loss of money, securities, inventory, or other property occasioned by the theft of such property by GEO employees or coverage provided under a separate policy
 - Professional Liability Coverage, where applicable to the contract
- C.** Auto Liability
 - Policy Limits \$1,000,000 each accident
 - Vehicles Covered: All owned, leased, hired and non-owned vehicles, both private passenger and commercial – types, used by GEO and its employees
- D.** Umbrella Liability or Excess Liability covering commercial general liability and auto
 - \$10,000,000 each occurrence
- E.** "All Risk" property insurance covering all buildings and contents valued at an agreed replacement cost.
- F.** There shall be no change of policy provisions, including decreases of insurance coverage, without prior written approval of _____.
- G.** Insurance coverages shall be with an Admitted Carrier with an AM Best rating of A-VII or better.

17.2 Payment of Claims. GEO agrees to Pay in Behalf Of and hold harmless _____ and _____, their officers, agents, employee and their assigns, from and against:

A. Any and all claims or demands arising from or related to the management and operation of the Facility, whether or not GEO is insured for such claims or demands, including without limitation, any and all claims or demands arising from or related to:

- (i) any physical damage to the Facility or the contents thereof related to or arising from the negligence of GEO or its agents, contractors, subcontractors or employees.
- (ii) any breach or default on the part of GEO in the performance of any covenant or agreement to be performed pursuant to the terms hereof;
- (iii) any action or inaction caused by negligence, gross negligence, willful misconduct, malicious conduct, or bad faith of GEO, or any of its agents, contractors, subcontractors or employees, whether employed directly by GEO or under the supervision of GEO;
- (iv) any accident, injury, death or damage whatsoever to any person or property on the premises of the Facility, regardless of whether such person was, or property belonged to, an inmate, a person detained, a guest or a visitor to the Facility; and
- (v) any claim of any kind brought by or on behalf of any Detainee, or former Detainee, detained under GEO's supervision and arising from Detainee's treatment, conditions or custody, care, property, or any other claim arising from confinement of any Detainee in the Facility.

GEO shall be responsible for all costs, including but not limited to attorneys' fees expenses incurred and liabilities arising from any claim, demand, action, litigation, lawsuit or other proceeding related to the management and operation of the Facility.

GEO shall not be responsible for any claim or demand directly related to a specific overt action taken by any official, officer, employee or agent of _____ that contravenes the policies and procedures of GEO.

17.3 Notice of Litigation and Claims. _____ and GEO shall promptly notify the other in writing of the receipt of any legal suit or claim which may affect, GEO, _____ or the Facility. _____ shall have the right at its option, to participate in defense of any litigation, claim or demand, without relieving GEO of its obligations hereunder.

17.4 Defense or Immunity. By entering into this Agreement, neither _____ nor GEO waives any immunity or defense that may be available to it by operation of law, including any limitation on the amount of damages that may be awarded.

17.5 Compliance with Court Orders. GEO shall comply with all current or future court orders or injunctions concerning the Facility

18.0 NOTICES

Any notice provided for in this Contract shall be in writing and served by personal delivery, United States Mail, return receipt requested, at the addresses set forth below, until such time as written notice of change of address is received from either party. Any notice so mailed, served, or personally delivered shall be deemed delivered and effective upon receipt or upon attempted delivery. This method of notification will be used in all instances, except for emergency situations when immediate notification is required pursuant to the appropriate sections of this contract.

TO _____:

TO GEO:

Amber Martin, EVP, Contract Administration
4955 Technology Way
Boca Raton, FL 33431
(561) 999-7359
amartin@geogroup.com

19.0 ASSIGNMENT AND SUBCONTRACTING

GEO hereby assumes and agrees without limitation to the scope of and limitations upon _____ rights of assignment and/or subcontracting as set forth in the IGSA, subject to and in full accordance with the terms and conditions set forth herein, as though such scope and limitations or _____ rights of assignment and/or subcontracting under the IGA were fully rewritten herein as applying to GEO. GEO shall be permitted to internally subcontract to GEO Secure Services, LLC a wholly owned subsidiary.

20.0 LEGAL AUTHORITY

_____ and GEO assure and guarantee that each possesses the legal authority to enter into this Contract. The persons executing this Contract on behalf of _____ and GEO do hereby warrant and guarantee that they have full authorization to execute this Contract.

21.0 CONFIDENTIALITY OF RECORDS

GEO hereby assumes and agrees without limitation to perform _____ obligations and responsibilities with respect to the confidentiality of records as set forth in the IGA, subject to and in full accordance with the terms and conditions set

forth therein, as though such obligation and responsibilities of _____ were fully rewritten herein as applying to GEO.

22.0 RECORDS RETENTION AND ACCESS

GEO hereby assumes and agrees without limitation to perform _____ obligations and responsibilities with respect to records retention and access as set forth in the IGA, subject to and in full accordance with the terms and conditions set forth therein, as though such obligations and responsibilities of _____ were fully rewritten herein as applying to GEO.

23.0 SEVERABILITY

To the extent that this Contract may be executed and performance of the obligations of the parties may be accomplished within the intent of the Contract, the terms of this Contract are severable, and should any term or provision hereof be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision hereof. The waiver of any breach of a term hereof shall not be construed as a waiver of any other term, or the same term upon subsequent breach.

24.0 NO THIRD-PARTY BENEFIT

This Contract shall benefit and burden the parties hereto in accordance with its terms and conditions and is not intended, and shall not be deemed or construed, to confer any rights, power, benefits, or privileges on any person or entity other than the parties to this Contract, except USMS as set forth hererin. This Contract is not intended to create any rights, liberty interests, or entitlements in favor of any USMS Detainee. This Contract is intended only to set forth the contractual rights and responsibilities of the Contract parties. USMS Detainees shall have only those entitlements created by Federal or State constitutions, statues, regulations or case law.

25.0 CONTINGENCY

This Agreement is contingent upon, and will not take effect until the date of , the execution of an Inter-Governmental Agreement (IGA) between _____, and the _____ which IGA has first been reviewed and approved by GEO for execution by _____.

IN WITNESS WHEREOF, the undersigned authorized parties have affixed their signatures effective the date first set forth above.

The GEO Group, Inc.

Amber Martin,
Executive Vice President

From: (b)(6), (b)(7)(C); (USMS)
To: (b)(6); (USMS) (b)(6), (b)(7)(C); (USMS)
Subject: RE: Urgent: Union at Western Region
Date: Monday, September 27, 2021 4:27:30 PM

Sir. No contact or communication.

Respectfully,

From: (b)(6), (b)(7)(C); (USMS) (b)(6), (b)(7)(C); @usms.doj.gov>
Sent: Monday, September 27, 2021 4:27 PM
To: (b)(6), (b)(7)(C); (USMS) (b)(6); @usms.doj.gov> (b)(6), (b)(7)(C); (USMS)
(b)(6); @usms.doj.gov>
Subject: Urgent: Union at Western Region

I need to close out a question from higher. Did either of you have any contact or communication with the union at Western Region? Need to know ASAP. Many thanks!

From: (b)(6); (b)(7)(C); (USMS)
To: (b)(6); (b)(7)(C); (USMS)
Cc: (b)(6); (USMS); (b)(6); (USMS)
Subject: Re: Contract Extensions
Date: Friday, September 17, 2021 3:29:54 PM

Good Afternoon (b)(6); (b)(7)(C);

Sent from my iPhone

On Sep 17, 2021, at 2:24 PM, (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); @usms.doj.gov> wrote:

Hi (b)(6);

When signing the modification for Western Region, could you please remove my name as the Contracting Officer and replace it with yours versus signing "for me" as I am not comfortable with the execution of this extension to the modification.

Thank you,

(b)(6); (b)(7)(C); (b)(7)(F)
Contracting Officer
U.S. Marshals Service
(b)(6); (b)(7)(C) office)
(b)(6); (b)(7)(C) mobile)

This e-mail, and any attachment(s) thereto, is intended only for use by the addressee(s) named herein and may contain privileged and/or confidential information and/or information in accordance with FAR 3.104. If you are not the intended recipient(s) of this e-mail, any dissemination, distribution or copying of this e-mail, and any attachment(s) thereto, is strictly prohibited and may violate Federal Law. If you have received this e-mail in error, please immediately notify the sender by e-mail or telephone and permanently delete all copies of this e-mail and any attachment(s).

From: (b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov>
Sent: Thursday, September 16, 2021 4:18 PM
To: (b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); @usms.doj.gov> (b)(6); (b)(7)(C); (USMS) (b)(6); @usms.doj.gov>
Subject: RE: Contract Extensions

Good Afternoon Everyone,

I'll complete the mods.

Thanks,

(b)(6); (b)(7)(C);

(b)(6), (b)(7)(C), (b)(7)(F)

Contracting Officer
Assistant Chief for Prisoners Operation Division
Office of Detention Services|Procurement Services Branch
United States Marshals Service|Washington DC 20530-1000
Mobile: (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C), (b)(7)(F) (USMS) (b)(6), (b)(7)(C) @usms.doj.gov>
Sent: Thursday, September 16, 2021 3:52 PM
To: (b)(6), (b)(7)(C), (b)(7)(F) (USMS) (b)(6), (b)(7)(C), (b)(7)(F) @usms.doj.gov> (b)(6), (b)(7)(C), (b)(7)(F) (USMS)
(b)(6), (b)(7)(C) @usms.doj.gov>
Cc: (b)(6), (b)(7)(C), (b)(7)(F) (USMS) (b)(6), (b)(7)(C) @usms.doj.gov>
Subject: RE: Contract Extensions

Can you look into the USM (b)(7)(F) I am assuming Availability of Funds for the Next Fiscal Year. The AD has provided the green light to proceed.

Regards,
Chief (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C), (b)(7)(F) (USMS) (b)(6), (b)(7)(C), (b)(7)(F) @usms.doj.gov>
Sent: Thursday, September 16, 2021 3:47 PM
To: (b)(6), (b)(7)(C), (b)(7)(F) (USMS) (b)(6), (b)(7)(C), (b)(7)(F) @usms.doj.gov> (b)(6), (b)(7)(C), (b)(7)(F) (USMS)
(b)(6), (b)(7)(C) @usms.doj.gov>
Cc: (b)(6), (b)(7)(C), (b)(7)(F) (USMS) (b)(6), (b)(7)(C), (b)(7)(F) @usms.doj.gov>
Subject: RE: Contract Extensions

Chief (b)(6), (b)(7)(C) -
Has a USM (b)(7)(F) been prepared to suggest that funds are available for this extension?

(b)(6), (b)(7)(C), (b)(7)(F)

Contracting Officer
U.S. Marshals Service
(b)(6), (b)(7)(C) (office)
(b)(6), (b)(7)(C) (mobile)

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From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Sent: Thursday, September 16, 2021 3:45 PM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Subject: RE: Contract Extensions
Importance: High

Folks,

Things are moving rapidly, so I need these extensions emailed to the contractors early tomorrow morning. Ask that the contractors sign the mod and provide you a signed copy by COB Monday.

Regards,

Chief (b)(6); (b)(7)(C); (b)(7)(F)

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Sent: Thursday, September 16, 2021 1:44 PM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Subject: Contract Extensions
Importance: High

Good afternoon,

(b)(6); (b)(7)(C); (b)(7)(F) please modify the Western Region Detention Facility contract for the full six months under FAR 52.217-8.

(b)(6); (b)(7)(C); (b)(7)(F) please do the same for the Willacy Detention Facility.

Both will expire on September 30th. See me if you have any questions.

Regards,

(b)(6); (b)(7)(C); (b)(7)(F) MBA
Chief, Office of Detention Services
USMS/Prisoner Operations Division
Mobile (b)(6); (b)(7)(C); (b)(7)(F)

From: (b)(6); (USMS)
To: (b)(6); (b)(7)(C); (USMS); (b)(6); (b)(7)(C); (USMS)
Subject: FW: S/CA and S/TX Extensions
Date: Thursday, September 16, 2021 1:32:00 PM

FYSA.

Regards,

Chief (b)(6);

From: Sheehan, John (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>
Sent: Thursday, September 16, 2021 1:25 PM
To: (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C); @usms.doj.gov>
Subject: S/CA and S/TX Extensions

Afternoon Chief,

We have received a 6 month extension for both Willacy and Western Region. Please make official notification to our vendors.

John P Sheehan
Assistant Director
Prisoner Operations Division
United States Marshals Service

From: (b)(6); (b)(7)(C); USMS)
To: (b)(6);
Subject: RE: Western Region Detention Facility - Market Research on Prisoner Transportation Services
Date: Friday, July 16, 2021 1:17:00 PM

Thanks!

Regards,

Chief (b)(6);

From: (b)(6); (b)(7)(C)@geogroup.com>
Sent: Friday, July 16, 2021 1:17 PM
To: (b)(6); (b)(7)(C); USMS) (b)(6); @usms.doj.gov>
Cc: (b)(6); (b)(7)(C)@geogroup.com>; (b)(6); (b)(7)(C)@geogroup.com>; (b)(6); (b)(7)(C)@geogroup.com>; (b)(6); (b)(7)(C)@geogroup.com>
Subject: Re: Western Region Detention Facility - Market Research on Prisoner Transportation Services

Good Afternoon,

Although we are hopeful that we are able to continue providing all services to the USMS at the Western Region facility, if necessary, we are not averse to continuing to partner with the USMS by providing whatever services (to include transportation) are required to assist you in your mission.

Thank you and Regards,

(b)(6); (b)(7)(C)
EXECUTIVE VICE PRESIDENT, CONTRACT ADMINISTRATION

The GEO Group, Inc.®
4955 Technology Way
Boca Raton, Florida 33431

Tel: (b)(6); (b)(7)(C) • Fax: 561 999 7648
Mobile (b)(6); (b)(7)(C)

(b)(6); @geogroup.com
www.geogroup.com

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From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); @usdoj.gov>
Sent: Friday, July 16, 2021 11:01 AM
To: (b)(6); (b)(7)(C) @geogroup.com>
Subject: [EXTERNAL] RE: Western Region Detention Facility - Market Research on Prisoner Transportation Services

Good morning,

Checking to see if you have any questions or concerns about this request.

Regards,

Chief (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
Sent: Friday, July 9, 2021 12:32 PM
To: (b)(6); (b)(7)(C) @geogroup.com>
Cc: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); @usms.doj.gov> (b)(6); (b)(7)(C); (b)(7)(F) (USMS)
(b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Subject: Western Region Detention Facility - Market Research on Prisoner Transportation Services

Good afternoon,

Your contract, Contract Number 15M40018DA3500001, with the USMS will expire on September 30, 2021. The USMS is unable to exercise the remaining option periods due to the *Executive Order on Reforming Our Incarceration System to Eliminate the Use of Privately Operated Criminal Detention Facilities*. While the Executive Order comprises detention facilities and by default detention services, the order does not reference prisoner transportation services. Prisoner transportation services are listed in your current contract and the USMS will still require these services after your contract expires. We would like to know whether you are interested in continuing to provide transportation services. Please reply to this email no later than 2 p.m. ET, Friday, July 16th with your decision on whether or not your company is interesting in continuing to provide USMS with prisoner transportation services.

This email is not a promise of a future contract award. The government is currently conducting market research only.

Thank you,

(b)(6); (b)(7)(C); (b)(7)(F) MBA
Chief, Office of Detention Services

USMS/Prisoner Operations Division

Mobile: (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C);
To: (b)(6); (b)(7)(C); (USMS)
Cc: (b)(6); (USMS); (b)(6); (b)(7)(C);
Subject: Re: Western Region Detention Facility
Date: Tuesday, April 13, 2021 2:31:29 PM

Good Afternoon (b)(6); (b)(7)(C);

GEO is presently researching this matter regarding alternative solutions and will get back to you with any issues.

Thank you and Regards,

(b)(6); (b)(7)(C);
EXECUTIVE VICE PRESIDENT, CONTRACT ADMINISTRATION

The GEO Group, Inc.®
4955 Technology Way
Boca Raton, Florida 33431

Tel: (b)(6); (b)(7)(C); • Fax: 561 999 7648
Mobile: (b)(6); (b)(7)(C);

(b)(6); (b)(7)(C);@geogroup.com
www.geogroup.com

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From: (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C);@usdoj.gov>
Sent: Tuesday, April 13, 2021 2:08 PM
To: (b)(6); (b)(7)(C);@geogroup.com>
Cc: (b)(6); (b)(7)(C); (USMS) (b)(6); (b)(7)(C);@usdoj.gov>
Subject: [EXTERNAL] Western Region Detention Facility

Good Afternoon (b)(6); (b)(7)(C);

Due to the Executive Order Implementation concerning the Private Detention Facilities across the country the USMS is looking at possible alternatives to continue services for the Western Region

Detention facility. With the Option year set to expire this year would GEO be willing to consider lease-to-operate relationship with the local government for that facility. If so, would GEO be willing to engage with the local government to see if they are interested or not interested in that alternative. We will need an answer on whether both parties are interested in order to proceed with our course of action development.

If you have any questions please don't hesitate to reach out to me.

Thank you.

(b)(6); (b)(7)(C);
(b)(7)(F)

Assistant Chief for Prisoners Operation Division
Office of Detention Services | Procurement Services Branch
United States Marshals Service | Washington DC 20530-1000

Cell: (b)(6); (b)(7)(C)

Email: (b)(6); (b)(7)(C);
(b)(7)(F)@usdoj.gov

From: (b)(6); (b)(7)(C); (USMS)
To: (b)(6); (b)(7)(C); (USMS)
Subject: Re: Western Region Modification
Date: Friday, November 5, 2021 2:11:23 PM

Hi (b)(6); (b)(7)(C);

I'll forward the mods when I return this evening. The extension mods should be on the shared drive.

Also, moving forward, you do not need to cc Chief (b)(6); (b)(7)(C); on modification distribution emails. Let's let him focus on the big picture items and not clog up his inbox with items that he do not need to take action .

Thanks.

(b)(6); (b)(7)(C);

Sent from my iPhone

On Nov 5, 2021, at 12:58 PM, (b)(6); (b)(7)(C); (b)(7)(F) (USMS) @usms.doj.gov> wrote:

Hello (b)(6); (b)(7)(C);

I am sending this email seeking copies of modifications as I am not sure who executed them. However, do you have a copy of the Western Region contract modification(P00007) that extended the contract for six months. The contract Number is 15M40021FA3500005. The vendor is asking for a copy and I do not have a copy for my records either.

Additionally, per our staff meeting on Wednesday, November 3, 2021 can you forward the copies of the contract modifications that included the voting language for the following contracts: Aurora, Rio Grande, Western Region, Otay Mesa, Nevada, Correct Care, West Tennessee and Leavenworth. I want to ensure that the vendor receive their copies.

Thank you,

(b)(6); (b)(7)(C); (b)(7)(F)
Contracting Officer
U.S. Marshals Service
(b)(6); (b)(7)(C) (office)
(b)(6); (b)(7)(C) (mobile)

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From: (b)(6), (b)(7)(C); (USMS)
To: (b)(6); (USMS)
Subject: RE: Western Region
Date: Thursday, October 28, 2021 11:28:54 AM

Oh Ok

(b)(6), (b)(7)(C), (b)(7)(F)

Contracting Officer
U.S. Marshals Service

(b)(6), (b)(7)(C) (office)
(b)(6), (b)(7)(C) (mobile)

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From: (b)(6), (b)(7)(C); (USMS) (b)(6), (b)(7)(C) @usms.doj.gov>
Sent: Thursday, October 28, 2021 11:28 AM
To: (b)(6), (b)(7)(C), (b)(7)(F) (USMS) (b)(6), (b)(7)(C), (b)(7)(F) @usms.doj.gov>
Subject: RE: Western Region

All was done verbally, nothing is in writing.

Regards,

Chief (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C), (b)(7)(F) (USMS) (b)(6), (b)(7)(C), (b)(7)(F) @usms.doj.gov>
Sent: Thursday, October 28, 2021 11:26 AM
To: (b)(6), (b)(7)(C) (USMS) (b)(6), (b)(7)(C) @usms.doj.gov>
Subject: RE: Western Region

Good Morning and Thank you.

For my personal reference, do you have a copy of the special permission notice given to USMS?

(b)(6), (b)(7)(C), (b)(7)(F)

Contracting Officer
U.S. Marshals Service

(b)(6), (b)(7)(C) (office)
(b)(6), (b)(7)(C) (mobile)

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From: (b)(6); (b)(7)(C); (b)(7)(F) USMS (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Sent: Thursday, October 28, 2021 11:24 AM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Subject: RE: Western Region

Good morning,

Per EO, USMS was not allowed to exercise option periods on these contracts. USMS requested and received special permission to extend the contract using FAR 52.217-8 Option to Extend Services to provide more time to locate alternative housing.

Regards,

Chief (b)(6); (b)(7)(C); (b)(7)(F)

From: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Sent: Thursday, October 28, 2021 11:09 AM
To: (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); (b)(7)(F) @usms.doj.gov>
Subject: Western Region

Chief (b)(6); (b)(7)(C); (b)(7)(F)

I am getting questions from ICE as to why USMS decided to extend Western Region for 6 months instead of Exercising the Option Year. I know a lot of it had to do with the Executive Order but could you please explain in bit more detail so I am able to relay accurate information to ICE.

Thank you,

(b)(6); (b)(7)(C); (b)(7)(F)

Contracting Officer

U.S. Marshals Service

(b)(6); (b)(7)(C) office)
(b)(6); (b)(7)(C) mobile)

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