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<u>**VIA EMAIL**</u>

May 19, 2021

David A. Holtzman, M.P.H., J.D.
DHoltzman@crc.lacounty.gov

Re: Statewide Database

Dear Mr. Holtzman:

Karin Mac Donald has referred your recent emails to me as counsel for the Legislature with respect to its duty to provide a computerized redistricting database under Government Code section 8253(b). Our responses to your questions are as follows:

As Ms. Mac Donald explained, the random allocation of inmates to the smallest possible unit of analysis must wait for the Statewide Database ("SWDB") to receive the census data for two reasons. First, the experts at the SWDB have to adjust race and ethnicity for this same population, and to do so they use an algorithm that is going to run once and geocode the inmates who can be geocoded and then do the race/ethnicity adjustments. They will prepare the complete dataset and then test it for accuracy before releasing anything publicly. To do otherwise would risk releasing inaccurate or incomplete information, which they are not willing to do.

Second, the SWDB staff need the actual census data with block populations so that they do not inadvertently place someone in a zero population block, thereby compromising that person's privacy. The CDCR has been careful to protect the privacy rights guaranteed every person with respect to the census, as has the SWDB. The CDCR has already rejected Public Records Act requests for the address data due to privacy requirements, and the SWDB has entered into nondisclosure agreements with CDCR for the same reason.

The information about incarcerated persons will be included in the summary block level data that the SWDB will release by September 23, 2021 on the SWDB website. That information will not include any incarcerated person who was enumerated at a CDCR facility except for an incarcerated person whose last known place of residence was assigned to a census block in the county. The Census Bureau includes information about where inmates were enumerated in the Group Quarters file. Treatment of federal prisoners has not yet been decided but if necessary there will be a separate dataset for local redistricting that does not include them.

Just as in past years, there will be documentation that will allow the public to compare the PL94 legacy data to the official redistricting dataset to check on allocation of inmates to census blocks. That documentation will be published simultaneously with release of the data.

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Finally, in response to your questions about SWDB's responsibility for the database, the Statewide Database emerged from a database that was originally created for the State Assembly to be used in the redistricting of 1981. *See* Stats. 1993, Ch. 55, Item 6440-001-001, ¶ 9 ("Of the amount appropriated in Schedule (a), $528,000 (of which $291,000 is one-time funds) shall be expended solely for the purposes of transferring the Assembly's data base to the Berkeley Institute of Governmental Studies and maintaining the data base at the institute.") The SWDB has been housed at UC Berkeley since 1993 and is referenced in Elections Code sections 21608(h) and 21628 (h).

If you have further questions, please direct them to our office. Thank you for your interest.

Sincerely,

Robin B. Johansen

RBJ:NL
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