



Inland Coalition for
Immigrant Justice



March 13, 2020

Adelanto City Council
Adelanto Council Chambers, City Hall
11600 AirExpressway
Adelanto, CA

Re: Postponement of Conditional Use Permit No. 96-11 appeal hearing, in light of the international COVID-19 pandemic

Dear Members of the Adelanto City Council:

In consideration of community welfare and safety considering the COVID-19 pandemic, we respectfully urge you to postpone the appeal hearing for Conditional Use Permit No. 96-11. On February 19, the Adelanto Planning Commission approved Conditional Use Permit No. 96-11. On March 2, Inland Coalition for Immigrant Justice (IC4IJ) and other interested organizations filed a timely appeal, prompting a scheduled public hearing, at which time the matter will be considered by the City Council.¹ The appellants look forward to fully presenting the issue for full consideration before the City Council, including providing robust public testimony. However, we know that we join the City in putting the Community's safety and welfare above all else. In light of the COVID-19 pandemic and the various federal, state, and local recommendations, we request that the Conditional Use Permit No. 96-11 be postponed until at least 30 days.

On March 11th, the World Health Organization labeled COVID-19 as a pandemic, citing the "alarming levels of spread and severity, and ... alarming levels of inaction,"² with over 118,000 cases across 110 countries. The United States Government and the State of California have both declared a state of emergency. As of March 12th, California alone has had 198 confirmed cases and 24 deaths.³ Without an increased correction in our response, experts indicate that the situation could worsen.⁴ In response to this threat, workplaces, schools, colleges, and universities across the state have either gone completely online, or taken extensive precautionary measures to greatly

¹ Adelanto Municipal Code, 2.20.090 (c) (Appeal and Review of Commission Decisions).

² Rolling Updates on Coronavirus Disease (COVID-19), World Health Organization, (March 11, 2020) <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/events-as-they-happen>

³ California Department of Public Health, Immunization Branch, Coronavirus Disease 2019 (COVID-19), <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx>

⁴ Robert P. Baird, What it Means to Contain and Mitigate the Coronavirus, The New Yorker (March 11, 2020), <https://www.newyorker.com/news/news-desk/what-it-means-to-contain-and-mitigate-the-coronavirus>

reduce the risk of exposure. According to the California Department of Public Health and Governor Newsom's March 12th executive order, "gatherings that include 250 people or more should be postponed or canceled... [s]mall gatherings held in venues that do not allow social distancing of six feet per person should be postponed... and [g]atherings of individuals who are at higher risk for severe illness from COVID-19 should be limited to no more than 10 people."⁵ Because of the substantial risk to public health and safety, we urge the City to adopt protocols which align with county,⁶ state, and federal health experts. Here, this means postponing the pending Conditional Use Permit No. 96-11 hearing.

Given the COVID-19 pandemic, we request that the hearing be postponed in the interest of public welfare and safety. The Conditional Use Permit No. 96-11 regards the addition of a new type of incarceration facility, triggering a variety of community impacts such as environmental and health concerns. As such, it is crucial and within the public interest that the community have a meaningful opportunity to attend in-person and provide public comment at the hearing. Because this issue impacts so many aspects of Adelanto City communities, we expect the hearing to be attended by upwards of hundreds of community members. While we are encouraged by this level of community engagement and look forward to a rich discussion in which a diversity of perspectives are provided to the City, we share deep concerns about convening so many people during the COVID-19 pandemic. As detailed above, according to the California Department of Public Health, events in which at least six feet of distancing may not be maintained, or where 10 or more vulnerable people are present, should be postponed. We know that the City shares our deep commitment to keeping public health at the forefront. As such, the appellants request that the hearing be postponed to April 29th when it is safe for the community to attend this hearing in-person.

In addition to concern over the safety of community members attending the hearing, we wish to mention the safety of the people currently detained at the Adelanto detention Center. We are particularly concerned about their health and safety, given the facility's demonstrated failure to provide adequate medical care in the past.⁷ Protecting the health of people in detention is also a necessary step to protecting the public safety of the broader community, as detention center staff

⁵ Gathering Guidance, California Department of Public Health, Coronavirus Disease 2019 (COVID-19) (updated March 12, 2020), https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/Gathering_Guidance_03.11.20.pdf; Governor Newsom Issues New Executive Order Further Enhancing State and Local Government's Ability to Respond to COVID-19 Pandemic (March 12, 2020), <https://www.gov.ca.gov/2020/03/12/governor-newsom-issues-new-executive-order-further-enhancing-state-and-local-governments-ability-to-respond-to-covid-19-pandemic/>

⁶ San Bernardino County Statements regarding COVID-19, <http://www.sbcounty.gov/main/default.aspx>

⁷ American Civil Liberties Union (ACLU), Detention Watch Network (DWN), National Immigrant Justice Center (NIJC), Fatal Neglect: How ICE Ignores Death in Detention (February 2016), <https://www.aclu.org/report/fatal-neglect-how-ice-ignores-death-detention>

and ICE officers go back to their homes each night. We urge the City to ask GEO Group Inc. to adopt the recommendations provided by a recent stakeholder letter.⁸

Given the aforementioned concerns, we respectfully request the following:

1. That the hearing be postponed by 30 days or until April 29th;
2. Because response to the pandemic is understandably diverting resources to support the community as well as significantly disrupting the course of everyday business, we respectfully request additional notice of the hearing beyond that required by the Adelanto Municipal Code. We respectfully request twenty days' notice;
3. When the hearing is scheduled at a date/time when it is safe for in-person attendance, we request that the City follow appropriate safety measures like hosting in a large venue where social distancing may be practiced, and following all measures as suggested by the American Disabilities Act and the California Department of Public Health; and
4. That the Adelanto city council provide a courtesy reminder to GEO Group Inc. that, as indicated in the Municipal code, the permit is not final while an appeal is pending. This means that there may be no modification or activity at the 750 Desert View Facility, which requires an approved Conditional Use Permit No. 96-11.

Thank you for your time and consideration of this request. We appreciate that the City is committed to the health and safety of its residents and look forward to working together to find a date when both public input and public safety may be equally valued. Given the urgency of the situation, we look forward to your response to Lizbeth Abeln, lizabeth@ic4ij.org, (909-205-7759) by Monday March 16th.

Sincerely,

Lizbeth Abeln
Inland Coalition for Immigrant Justice

On behalf of the undersigned:

Human Impact Partners
Immigrant Legal Resource Center
ACLU of Southern California
Freedom For Immigrants
Interfaith Movement for Human Integrity

⁸ American Civil Liberties Union (ACLU), Human Rights Watch (HRW), Letter to Adelanto Detention Facility re: COVID-19 (March 11, 2020), <https://www.aclusocal.org/en/aclu-hrw-letter-adelanto-re-covid-19>