



CALIFORNIA BLACK CENSUS
AND REDISTRICTING HUB

PRISON
POLICY INITIATIVE

August 18, 2021

California Citizens Redistricting Commission
721 Capitol Mall, Suite 260
Sacramento, CA 95814

Sent via electronic transmission

Dear Commissioners,

On behalf of the Black Census and Redistricting Hub, a coalition of 30 Black-led and Black-serving organizations across the State of California, and Prison Policy Initiative (PPI), which has for 20 years worked with states and local governments on solutions to prison gerrymandering, thank you for your steadfast leadership and continued engagement with the public to create a transparent and robust participatory redistricting process. We write to provide the following information regarding the discussion on federal prison allocation. We appreciate the initiative taken by the commission to obtain data on the federal prison population and wanted to provide our thoughts on the issue in writing.

Context and History

The history of incarceration in the United States is fraught with biases and inconsistencies that have disproportionately impacted the Black community. Those issues are too many to name here and beyond the scope of this letter, but we are happy to provide additional information if needed.

That said, in years past, the California redistricting process counted people in both state and federal prisons as residents in the city and county in which they were held in custody. This gave an outsized advantage to smaller, rural, mostly white communities who benefited politically simply by having a prison located in their districts. In an effort to address this issue, the California legislature passed prison gerrymandering reform after the 2010 redistricting process. Election Code section 21003 requests that this commission count persons held in state prisons at their last known place of residence rather than at the institution of incarceration. This is a big step forward and we applaud this effort to ensure that every person is counted in the communities from which they typically live.

However, Election Code Section 21003 also requests that the federal prison population be excluded for purposes of redistricting. While this recommendation is certainly better than counting people at the location of the federal correctional facility, we think the State of California can and should strive for better and more; it is disappointing that, in 2021, there are no better options available for allocating the federal prison population.

Counting every person, regardless of status, in the communities in which they typically reside is a moral imperative and a recognition of the complexities of the carceral system. People in the federal prison system come from families with deep roots in communities and people housed in federal prison often return to the communities from which they come. Counting these residents at their last known place of residence recognizes these realities and helps bring political representation to the communities from which they come and often return, and where, by law, they remain residents even while incarcerated far from home.

Based on your discussion at your August 10, 2021 business meeting, we understand that Senator Padilla's office indicated that data on the federal prison population in California is available. The Bureau of Prisons decision to release data to Senator Padilla was unexpected but appreciated. However, to be useful, the data should include specific information comparable to the data provided by the California State Department of Corrections and Rehabilitation:

- A. a unique identifier, other than the person's name or [Federal Bureau of Prisons] number;
- B. Any information maintained by the [Federal Bureau of Prisons] about the residential address or addresses at which the person was domiciled before the person's most current term of incarceration, including any available information about the date on which each address was added to records maintained by the [Bureau of Prisons]t. If the [Federal Bureau of Prisons] does not have any residential address information for a particular person, the information furnished by the [Bureau of Prisons] shall state that fact.
- C. The person's ethnicity, as identified by the person, and the person's race, to the extent such information is maintained by the [Federal Bureau of Prisons].
- D. The address of the state correctional facility where the person is incarcerated on the decennial Census Day.

At the very least, the data should include the last known city in which the persons in custody lived and any other geographical information that may help place them in a particular census block. The data should also be formatted to protect the privacy of the federal prison population and not contain specific identifying information that, in the wrong hands, could be used for nefarious purposes.

Guiding Principles

Moving forward, we urge the Commission to continue to actively work to ensure that the next commission has the tools it needs to equitably allocate prison populations by census block. We urge the commission to vehemently request and pursue that federal prison population data be released as a matter of course for the 2030 redistricting commission. The data should be released in the same format as the State prison population data, as described in Elections Code 21003(a)(2), or as we describe above, to address privacy concerns. The collection of data on last known address as well as self-identified racial and ethnic data is ideal to further fair and accurate representation.

We also urge this commission and future commissions to adhere to two inextricably-connected and equally important principles: 1) that everyone is counted and 2) that they are counted in the most equitable way possible - that is, that people are allocated to the communities in which they typically live. These principles can be accomplished with accurate and secure data provided by the Bureau of Prisons that, importantly, also includes data for California residents held out of state in federal facilities.

Recommendations

The Black Hub and PPI vehemently and adamantly oppose counting the federal prison population at the location of each federal facility for all of the reasons mentioned above and primarily due to the heavily skewed results that benefit communities that do not represent the people housed in the facility. Given the challenges that the commission currently faces with the current data, the Black Hub and PPI think that there are 3 viable options before this commission regarding allocating the federal prison population during the 2021 cycle. Those options are listed below in order of preference, each one step further from the ideal solution:

1. Use the incomplete residence data obtained by Senator Padilla's office to reallocate California residents located in federal facilities to a random census block in their last known city of residence and exclude any non-California resident;
2. Where no residence information is available, randomly reallocate the full 14,494 federal prison population throughout the state. (This is functionally equivalent to option 3, but comes closer to the ideal of counting every person.);
3. Where no residence information is available, and random reallocation is impossible, exclude the full 14,494 federal prison population for redistricting purposes.

As the Commission considers these options, we again request that the commission do its best to ensure everyone is counted and that reallocation is done in the most equitable way possible. We know that these are tough decisions and we ask that this commission work so that the next commission is not put in the same position during the next redistricting cycle.

Thank you for your work, service, and commitment to this process. We look forward to continuing to engage with the Commission.

Sincerely,

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