



CALIFORNIA BLACK CENSUS
AND REDISTRICTING HUB

PRISON
POLICY INITIATIVE

February 4, 2022

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 urge the commission to remain active and engaged on the issue of federal prison allocation for redistricting purposes in California and across the State. We appreciate the initiative taken by the commission to advocate for data on the federal prison population during the 2020 redistricting cycle and **we encourage the commission to work urgently now and throughout the next 10 years to advocate on a national and state level to ensure that the 2030 commission can accurately count California residents held in federal prison facilities at their last known residential address.**

Context and History

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.

The Problem With Status Quo

While the recommendation to exclude the federal prison population for the purposes of redistricting 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 2022, 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.

Our Recommendations

Based on your discussion at your January 21, 2022 business meeting, we understand that the Commission will continue to support reallocating the federal prison population. Moving forward, we urge the commission to take the following two actions to redress the built in inequities in the system around counting the federal prison population:

1. Advocate that the Biden Administration act now to ensure that home address data for people incarcerated in federal prisons is released as a matter of course for the 2030 redistricting commission. We maintain that the most useful data from the Bureau of Prisons should include the following specific information comparable to the data provided by the California State Department of Corrections and Rehabilitation:

- a unique identifier, other than the person's name or Federal Bureau of Prisons number;
- 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. 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. 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 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.
- The address of the federal correctional facility where the person is incarcerated on the decennial Census Day.

The database should allow states to identify where to count people housed in the federal facilities within their state and to allow states to count their own residents that are housed in federal facilities in other states. Every California resident housed in a federal facility, regardless of location, should be counted in California and allocated at their last known address within the state.

In addition, 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. **It should not contain specific identifying information that, in the wrong hands,**

could be used for nefarious purposes. However, 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.

2. Advocate to the 2030 commission that it should 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 as outlined above. If both of these principles cannot be met due to continued federal data challenges, we urge the commission to advocate that the 2030 commission follow its lead and exclude federal prison populations to avoid inequities created when counting populations where they are held in custody rather than where they typically live.

We thank the Commission for continuing to actively work to ensure that the next commission has the tools it needs to equitably allocate prison populations by census block. 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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Black Census and Redistricting Hub

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