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Testimony of Peter Wagner, Executive Director, Prison Policy Initiative
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There is a clear trend across America to avoid using prison populations to skew representation at local levels of government, and four states have already taken affirmative legislative action to prevent prison-based gerrymandering in their state legislatures. Rhode Island, however, is unfortunately poised to step into the national spotlight by providing one of the most dramatic examples of how prison populations can be used to distort representation.

Using prison populations to pad out under-populated districts is not only unfair to all other residents of the state that do not happen to live near a prison, but it's contrary to Rhode Island law, which states that a person's home is still considered their residence, even after incarceration. (Rhode Island General Laws §17-1-3.1.)

We are concerned that Rhode Island has missed an important opportunity to avoid prison-based gerrymandering.

The proposed district plan published on December 12, 2011 (House Plan D) had some positive attributes in regards to how prison populations were handled.¹ In House Plan D, the complex was split somewhat evenly between three districts, 15, 16, and 20:

District	Total prison population by district	Block(s) containing state prison populations	Facility	Incarcerated population in block
District 15	1230	44 007 014200 2030	Dorothea Dix Minimum Security Facility	82
		44 007 014200 2037	John J. Moran Medium Security Facility	1043
		44 007 014200 2061	Gloria McDonald Awaiting Trial & Medium	105
District 16	908	44 007 014200 2025	Intake Service Center	908
District 20	1295	44 007 014200 2023	High Security Center	86
		44 007 014200 2053	Minimum Security	461
		44 007 014200 2055	Donald Price Medium Security Facility	310
		44 007 014200 2072	Max Security	438

We note that each of these districts was also somewhat overpopulated, thereby further reducing the impact of the prison population on any individual district. This was a positive step.

¹ The plan incorporated many of the suggested solutions to prison-based gerrymandering presented in testimony of the ACLU Rhode Island Affiliate, before the Rhode Island Reapportionment Commission, October 17, 2011. Available at http://www.riaclu.org/documents/Reapportionment_testimonyfinal.pdf

Unfortunately, House Plan D-amended, reverses most of these gains. We bring to your attention several serious regressions from the previous proposal.

The prison complex is now split between only two districts, Districts 15 and 20. With one key regressive exception, we note that the prisons are currently divided exactly as they were in 2001 between Districts 15 and 16. That key exception is that the Minimum Security facility in Providence Tract 014200 Block 2053 is now placed in District 15.

We note that had the existing boundary been maintained, the prison population would be almost evenly divided between the two districts. Instead, District 20 now contains 2,203 incarcerated people, far more than any other district. Almost 15% of this district is incarcerated residents of other parts of this state, giving every group of 85 residents in this district the same influence as 100 residents in any other district.

While the proposed Districts 15 and 20 are still slightly overpopulated, this overpopulation is so minuscule compared to the prison populations now included in the districts, that it no longer has any meaningful mitigating effect.

In so far as prison-based gerrymandering is concerned, House Plan D (prior to the amendment) was superior.

Thank you for the opportunity to present this testimony.

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