



For more information about Prison-Based Gerrymandering, see our website and weekly newsletter at <http://www.prisonersofthecensus.org>

Incarcerated people are transported to rural prisons, but remain residents of their home communities

The Census Bureau counts incarcerated people at the location of the prison where they are incarcerated, not where they are from. Incarcerated people, however, do not have any contact with the town surrounding the prison walls, and maintain strong ties to their home communities where they will return, on average, in 34 months.

Not just unfair, prison-based gerrymandering violates the law

- The U.S. Supreme Court requires districts to be based on equal numbers of people, giving all residents the same access to government.
- New York State bases its legislative districts on federal Census data. The Census counts incarcerated people at the prison, rather than at their home address.
- Incarceration does not change a person's residence, the New York State Constitution says: "no person shall be deemed to have gained or lost a residence, by reason of his or her presence or absence, while... confined in any public prison."
- Using the Census's counts of people in prison for redistricting purposes is unfair, undemocratic, and violates the New York Constitution.

Incarcerated people remain a part of their home communities

- The median length of time a person incarcerated in New York State has been incarcerated is less than 26 months.
- Despite common misconceptions, most people in prison are serving short sentences, and very few incarcerated people are sentenced to life without parole. For example, of the nearly 30,000 people receiving prison sentences, only 15 were sentenced to life without parole in 2003.
- Families of incarcerated people are among the poorest families in the state. Yet, they shoulder the heavy financial burden of maintaining ties by phone and long-distance visits with their relatives.
- The New York State legislature acknowledges the continued connection between incarcerated people and their home communities; the Senate passed the "Family Connections Bill," which states that "the legislature finds that an inmate's ability to maintain contact with community and family is critical to a successful re-entry after release from prison." The Senate believed this connection to their home communities was so vital that it was willing to sacrifice a source of revenue to protect these community ties. The Supreme Court requires counties to update their legislative districts once per decade so that each district contains the same population, giving each resident equal representation in county government. The US Census Bureau counts people where they are incarcerated, not where they are from, and when the Census figures do not reflect the county's population, democracy suffers.