

August 5, 2021

Colorado Independent Redistricting Commissions
1580 Logan St, Suite 430
Denver, CO 80203

Re: Support for adoption of policy to require redistricting population data to reflect incarcerated people at their residential addresses rather than their place of incarceration

Dear Members of the Congressional and Colorado State Legislative Redistricting Commissions:

Please accept this letter on behalf of the undersigned civil rights organizations that jointly urge the adoption of the policy proposal to reallocate people in state prison in Colorado to their home community and not the location of the prison.

The pattern and practice of redistricting has been historically plagued with racially biased impacts, including splitting of Black and Brown communities to dilute their political influence, and drawing contorted district boundaries to segregate non-whites and to dilute their political influence. Prison gerrymandering is another example of how the redistricting process has negatively impacted Black and Brown people and their home communities.

In order to reverse course on this sordid legacy and its ongoing practice, the policy of prison gerrymandering **MUST** end. Otherwise, the redistricting processes will continue for another decade to undermine the bedrock principles of equal representation, fair elections, representative government, and the opportunity for full civic engagement by all citizens.

There is no rational or legitimate reason to use the place of incarceration in the population data for purposes of redistricting. The prison is not their home; it is merely where they are temporarily housed. As documented in more detail in the research memo provided to the Commissions by the Colorado Criminal Justice Reform Coalition:

- Data is clear that inmates in state prison are not from the communities in which they are incarcerated. State prisons and private prisons under contract of the Department of Corrections are in rural areas and most people in state prison were convicted in urban jurisdictions.
- Allocating people in prison to the location where the prison is located specifically impacts Black and Brown people, due to the overrepresentation of people of color in prison.
- People in prison are not part of the community where the prison is located. They do not work, shop, worship, go to school, raise their families, vote, attend a City Council meeting, or otherwise engage in other activities that define what it means to be part of a community of interest. People in prison do not choose in what prison they are incarcerated.
- This unfair transfer of political influence and representation affects conservative and liberal communities alike. For example, Colorado Springs sends more people to state prison than any other county yet doesn't have a state prison. Neither does Arapahoe, Adams, Larimer, Douglas, Boulder, Mesa, or Weld counties where most people in prison are from.
- Over 95% of people will be released from prison and the average length of stay in state prison in Colorado is 40 months for men and 21 months for women.
- People in prison are frequently transferred between different prison facilities so using a prison's location as a proxy for someone's residence for purposes of redistricting is unreliable, in addition to being inappropriate.

The undersigned are gravely concerned with the transfer of political power from marginalized populations because of prison gerrymandering. People in prison are paying a debt to society. However, a collateral consequence of that sentence should not be to provide an unearned political benefit to more rural communities at the expense of more urban communities just because the state decided to build prisons in one particular part of the state rather than another. That's an arbitrary rationale for designation of residency for purposes of redistricting.

Although the Redistricting Commissions are not legally bound by HB20-1010, it is extremely relevant that this issue has been thoroughly vetted as to the policy and there were no community groups, elections officials, or local government that opposed it during the legislative process. It was passed on a bi-partisan vote and signed into law.

We urge the Redistricting Commissions to follow the practice used by the United States Armed Forces. Servicemembers may be counted in the census while serving at their assigned military installation, but they are reallocated to their home community (Home of Record) for purposes of redistricting. Surely, this is not a manipulation of the census data; it is an accommodation that recognizes servicemembers are temporarily away from home. We submit people in prison are also temporarily away from home and therefore should also be reallocated to their home communities for purposes of redistricting.

Yours truly,

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Hassan Latif, Executive Director, Second Chance Center
Tamra DeBrady, Vice-President, Colorado Black Women for Political Action
Omar Montgomery, Chair Aurora NAACP
Sonya Agnew-Young, Chair, Denver NAACP
Rudy Gonzales, Executive Director, Servicios de la Raza
Rosemary Marshall, Chair, Statewide Conference NAACP (Colorado, Montana, Wyoming)
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