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. In House Plan D, the complex was split somewhat evenly between three districts, 15, 16, and 20:

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

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.

---

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.

Peter Wagner  
Executive Director  
Prison Policy Initiative  
PO Box 127  
Northampton MA 01061  
(413) 961-0002  
pwagner@prisonpolicy.org