



State of Rhode Island

HOUSE OF REPRESENTATIVES

REPRESENTATIVE LEONELA FELIX, *District 61*

Committee on Judiciary

Committee on State Government and Elections

October 25, 2021

The Honorable Stephen R. Archambault
The Honorable Robert D. Phillips
Co-Chairman, Reapportionment Commission
Members, Reapportionment Commission

RE: Prison Malapportionment (aka Prison Gerrymandering)

Dear Chairmen and Commission Members:

I urge you to take the necessary steps needed to end the racist practice known as prison malapportionment¹ or prison gerrymandering. The practice of prison malapportionment offends the fundamental principle of equal representation and inflicts tangible harm upon incarcerated individuals and communities like mine, which they call home. For these reasons, I respectfully request that you consider discrediting this practice and count incarcerated individuals at their pre-incarceration residences.

Rhode Island, like most states, counts incarcerated individuals as residents of the jurisdictions where they are incarcerated, rather than where their pre-incarceration homes are located. Since political districts are drawn based on population, districts with prisons, like Cranston—rather than the home districts of incarcerated individuals—benefit from the population bump. This practice thus shifts representational power from the home communities of incarcerated people to the cities and towns where they are imprisoned. The final result is a malapportioned map with artificially inflated representation for prison districts.²

For example, although the Department of Corrections does not report the percentage of incarcerated individuals from their respective cities, we can draw inferences based on the demographic composition of our state. For FY20, RIDOC reported that of the 55% of individuals sentenced: 29.8% were Black and 25.8 were Latinx.³ Additionally, during FY20 RIDOC processed a total of 2,902 releases with 29.6% returning to Providence and 11.9% returning to Pawtucket. Only 8.4% of those released returned to Cranston.⁴

¹ As argued by Alaa Chaker, the term “prison gerrymandering” is misleading since “prison malapportionment concerns *where* individuals are counted, rather than the manipulation of the geographic *boundaries* themselves. Therefore, throughout this letter, I will be using the term prison malapportionment. Alaa Chaker, *Prison Malapportionment: Forging a New Path for State Courts*, (Mar. 2021) available at: <https://www.yalelawjournal.org/comment/prison-malapportionment-forging-a-new-path-for-state-courts>

² *Supra*.

³ RIDOC’s FY20 Report uses the term Hispanic, I prefer the term Latinx for inclusion purposes.

⁴ Rhode Island Department of Corrections, *Fiscal Year 2020 Annual Population Report*, (Sept. 2020) available at: <http://www.doc.ri.gov/docs/FY20%20Annual%20Population%20Report.pdf>

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Given the demographics of our cities and towns in Rhode Island, it's plain to see the result of this practice creates an artificially inflated representation for the City of Cranston, and communities like mine are thus negatively affected by this practice.

Moreover, Rhode Island should join the thirteen (13) states⁵ —including nearby Connecticut, New Jersey, and New York -- that have passed laws or adopted guidance modifying how incarcerated individuals are counted and allocated during the redistricting process. In all of those states, if the incarcerated individual resided in-state prior to incarceration then they are counted using their last known residence's district population.

For an out-of-state incarcerated individual, or one whose residence is unknown, the process varies state-to-state, but it has not deterred those states from reallocating those in-state individuals whose addresses are known

Finally, addressing the Redistricting Commission's points that this may only be done legislatively, there is already precedent for commission action. This past August, Pennsylvania's Legislative Reapportionment Commission, in charge of redrawing Pennsylvania's House and Senate maps, voted to no longer count state prisoners as residents of the districts where they're incarcerated, but rather as residents of the districts where they originally resided.⁶ Nor, as the testimony submitted by the Prison Policy Initiative persuasively argues, is it too late for the Commission to act on this matter.

In Rhode Island, we can do the same.

I urge you to end this racist practice that will eliminate the political inequities that result from it and ensure that the principles of representative government stand firm in our state.

Thank you for your attention to this matter.

Respectfully,



Rep. Leonela Felix
District 61, Pawtucket

⁵ Connecticut, California, Colorado, Delaware, Illinois, Maryland, Montana, Nevada, New Jersey, New York, Pennsylvania, Virginia and Washington

⁶ Pennsylvania House of Representatives, *Redistricting panel votes to end prison gerrymandering* (Aug. 2021) available at: <https://www.pahouse.com/InTheNews/NewsRelease/?id=120905>