



July 21, 2021

To: Colorado's Independent Congressional & Legislative Redistricting Commission
From: Christie Donner, Executive Director

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

1. The overwhelming majority of the prisons in Colorado are located in rural areas whereas the overwhelming majority of inmates were convicted in urban communities, predominantly along the front-range.

As Table 1 demonstrates, 88% of all Colorado Department of Corrections inmates are currently housed in one of the 15 prisons located in the rural counties listed below, yet only 4% of the inmate population was convicted out of one of those counties. For example, 1 in 3 state inmates is housed in a prison in Fremont County yet only 1% of people sentenced to prison were convicted out of Fremont County.

TABLE 1 County	# of prisons	N -inmates (as of 6/30/2021)	N -inmates sentenced from that county	% of DOC inmates housed in that county	% inmates sentenced from that county
Fremont	6	4350	75	32%	1%
Crowley	2	2556	6	19%	0%
Logan	1	2060	87	15%	1%
Bent	1	1038	19	8%	0%
Chaffee	1	838	22	6%	0%
Lincoln	1	693	26	5%	0%
Delta	1	240	17	2%	0%
Las Animas	1	198	30	1%	0%
Garfield	1	117	60	1%	1%
				88%	4%

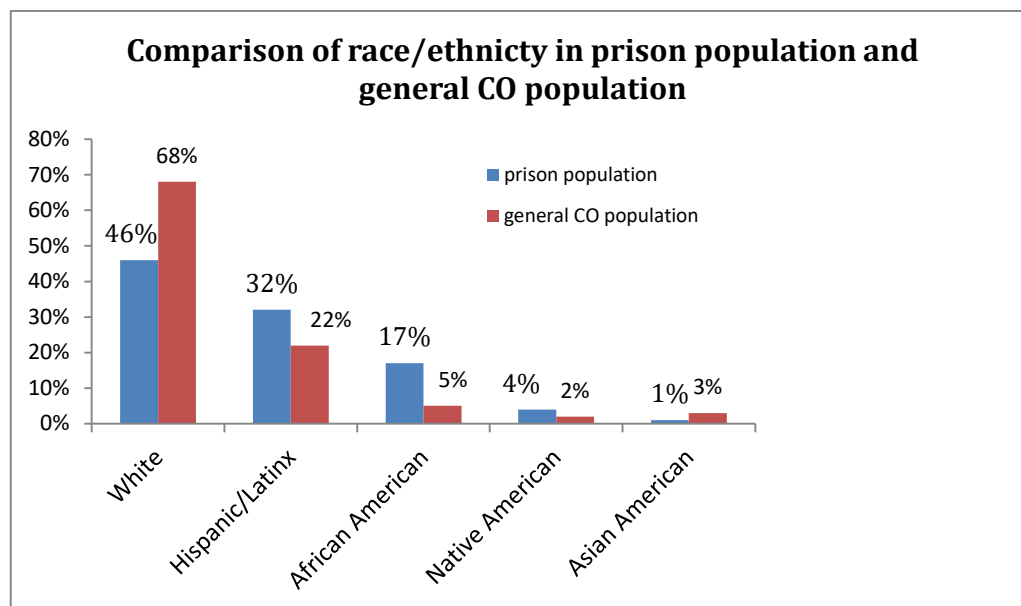
In contrast, as Table 2 indicates, 86% of inmates were convicted out of one of the metro counties listed below but only 12% of the inmate population is housed in one of the five prisons located in the Denver metro area or Pueblo. This transfer of political power from the urban communities to the rural communities affects liberal and conservative communities alike. For example, El Paso County sentences more people to prison than any other county in Colorado, yet none of those inmates are housed in El Paso County because it does not have a prison. Neither does Adams, Arapahoe, Weld, Larimer, Mesa, Boulder or Douglas counties.

TABLE 2	# of prisons	N- inmates (as of 6/30/2021)	N -inmates sentenced from that county	% of DOC inmates housed in that county	% of inmates sentenced from that county
County					
El Paso			1777		18%
Denver	2	1043	1579	8%	16%
Jefferson	1	93	1046	1%	11%
Adams			762		8%
Arapahoe			654		7%
Weld			583		6%
Larimer			552		6%
Mesa			529		5%
Pueblo	2	497	517	4%	5%
Boulder			172		2%
Douglas			144		1%
				12%	86%

Source for both tables: DOC Monthly Population Report (June 30, 2021); DOC Annual Statistical Report for FY2019 at pg7 and Appendices at https://drive.google.com/file/d/1wIO4JwXhJcEXWjw9Jv9tmFcIoX3m_kqd/view

2. Counting people based on the location of the prison they are housed in specifically dilutes the political power of people of color due to the overrepresentation of people of color that are in prison.

Incarceration has disproportionately impacted communities of color and particularly Black communities. With the exception of people who identify as Asian, people of color are substantially overrepresented in the prison population, particularly African Americans. Not only are people of color themselves negatively impacted, so are the communities where they reside.



Source: DOC annual statistical report RY 2019, Figure 36, at pg 28; census.gov/quickfacts

It is also important to understand that the prison population is very fluid and people can be transferred multiple times between various facilities throughout the duration of their incarceration. Similarly, prison capacity can also shift dramatically over time. For example, since the last redistricting, five prisons have closed and another 1,500 beds were just taken off line at existing prison facilities. So, using a prison's location as a proxy for someone's residence is unreliable and undesirable, especially over such a long span of time as a decade.

3. Other than being housed in a prison in a specific area, people in prison do not have any ties or other interaction with that community.

People in prison do not work, shop, worship, go to school, raise their families, or otherwise engage in other activities that define what it means to be part of a community. They cannot vote in state or local elections. They cannot attend local City Council or County Commission meetings or otherwise participate as part of the body politic. Nor are they regarded as constituents of the local or state elected officials that represent that community. Inmates did not choose in what prison to be incarcerated. People in prison cannot in any way be considered to be part of a community of interest of the area where the prison happens to be located. People's political relevance, as determined in the redistricting process, should be connected to those communities where they do have historical ties.

4. The overwhelming majority of people in prison will be released following a relatively short length of stay.

The average length of stay in prison prior to first release in Colorado is 40 months for men and 21 months for women. (Source: *DOC Annual Statistical Report for FY2019, Table 4, page 15*). Given that this average length of stay is substantially shorter than the 10 years in between redistricting cycles is a further argument to support using their home address, rather than the location where they are incarcerated, for purposes of redistricting.

Furthermore, HB19-1266, which passed both the Colorado House and Senate in 2019 with bi-partisan support restored voting rights to people on parole. Civic engagement is an important aspect of citizenship and one of the methods by which to integrate formerly incarcerated people successfully back into the community.

Given the average length of stay in prison and the right to vote on parole, using population data that does not reflect incarcerate people at their residential address diminishes their ability to be properly represented for the next decade.

Conclusion

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 a particular part of the state rather than another. That's an arbitrary rationale for designation of residency for purposes of redistricting. The principles of fair elections, representative government and the opportunity for full civic engagement by all citizens require that people in prison be counted as being part of the community where they lived and not the prison where they are temporarily incarcerated. Not doing so abridges their civil rights. The only other option that would align principles with practice would be to allow people in prison to vote.