



## CHANGE Illinois Testimony: End Prison Gerrymandering

*Illinois Criminal Law and Special Committee on Public Safety*

*To: Chairs state Sens. Elgie Sims & Robert Peters and committee members*

*From: Madeleine Doubek, Executive Director of CHANGE Illinois*

### Intro

Thank you Chairs Sims and Peters for inviting me to testify today. My name is Madeleine Doubek and I am the executive director of CHANGE Illinois, a nonpartisan nonprofit that has a long history of working on redistricting-related efforts. We are a coalition working to end prison gerrymandering and are joined in that effort by several organizations, including: the Blackroots Alliance, the John Howard Association, Common Cause Illinois, Cabrini Green Legal Aid, Equity And Transformation, the Chicago Urban League, the Illinois Justice Project and Workers Center for Racial Justice.

Our current process for redrawing political districts includes a glaring problem that exacerbates a disparity in representation for Black and Brown communities. People who are incarcerated at the time of the census are counted in the prisons where they are being held rather than in their home communities. This robs them and their neighborhoods of their rightful representation and is unjust.

This practice, known as prison gerrymandering, disproportionately affects Black and Brown communities because, as we all know, it is people in Black and Brown people who are disproportionately incarcerated at higher percentages than the rest of the population. In fact, according to the most recent data available from the Prison Policy Initiative, [70 percent of the prison population in Illinois is made up of Black and Brown residents. Black Illinoisans make up the single largest demographic group of those incarcerated, by far.](#)

### Why are people counted where they are incarcerated?

It's important to understand why this has been happening. The United States Census Bureau long has held that a person's residence is the "place a person eats and sleeps most of the time." The Census Bureau reaffirmed that notion in 2018 when officials said the Bureau would continue counting the location of incarceration as a person's residence, rather than their last home address. Representative districts are drawn and last for 10 years. Prison gerrymandering has continued, despite the fact that, across all crime convictions in Illinois, the average time



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spent in prison was found to be 4.7 years, back [in 2013](#). In fact, many felony convictions only carry a total sentencing time range of between .64 years to 2.21 years.

These statistics demonstrate clearly that [a large portion of people who are incarcerated](#) will serve less than 2.5 years. They will spend very little time in prison over the next decade, yet, when they return home and re-enter society, they will have much less representation than others. They very well might spend less time in prison than another person spends at a summer or vacation home over the next decade, or a child in boarding school who is counted at their parent's address, and yet they are given unequal representation and treatment.

It's not too late for Illinois to act to correct this inequity before redistricting starts next year in Illinois.

## Representation

The importance of a full and accurate census count is not lost on the state of Illinois. It is evident in the many organizations, from diverse backgrounds, that continue to work on ensuring a complete and accurate census count. It is evident in the many lawmakers who have been working hard to ensure their communities get counted. Allowing prison gerrymandering to continue in Illinois only undermines these efforts.

Prison gerrymandering removes representation from communities that are already underrepresented. By shifting people's representation to prisons and away from communities where they live, extra representation is given to the communities where prisons are located, while representation is diluted and drained from the districts where people who are temporarily incarcerated actually live. Prison gerrymandering also is harmful to rural communities that house prisons because it can also distort the local redistricting of county commissioners, city councils, and school boards.

[According to the Prison Policy Initiative](#), in 2018, more than 50,000 people were incarcerated in an Illinois state or Federal prison here. Of those 50,000 people, 60% were ["from Cook County, yet 99% of them are counted outside the county."](#)

Counting people in prisons for government representation perpetuates the false notion that those who are incarcerated are treated as legitimate constituents in the districts where prisons are located.



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## National and local efforts to end prison gerrymandering

[Nine states](#) already have fixed prison gerrymandering and will return the representation of people who are incarcerated back to their rightful communities in their 2021 remap efforts. Hundreds of counties across the nation also have halted some aspects of prison gerrymandering through local rule. Illinois has the opportunity to join these nine states and count our residents in an equitable manner that better reflects the actual make-up of our state's diversity so that it can be reflected in all levels of government.

In Illinois, the following counties have made changes to this unfair practice: Bond, Christian, Crawford, Fayette, Fulton, Jefferson, Lawrence, Lee, Livingston, Montgomery, Rock Island, and Will County. Illinois has the opportunity to set a statewide standard.

## Funding

In conversations about prison gerrymandering, we have heard a recurring misconception: that ending prison gerrymandering would cost rural cities and municipalities money and resources. We are here to dispel this myth.

The misconception is based on the notion that federal funding based on census numbers is linked directly to each individual. Common rhetoric we hear is that, "Millions of dollars are at stake if we have an undercount and for each person who is not counted, the state will lose roughly \$2,000 per person over the next ten years." The first part of that statement is true, that millions of dollars are at stake if we have an undercount. But the second part of that statement leads people to believe that each person is directly responsible for \$2,000 to fund their local governments. Money allocated to the state based on census numbers doesn't follow individual people around in that manner.

The evidence for this is clear. Two states, [New York](#) and [Maryland](#) ended prison gerrymandering prior to the 2011 redistricting cycle. In those two states, there was no revenue loss to municipalities that included prisons as a result of the change in how people who were incarcerated were counted, according to research by the Prison Policy Initiative.

To put it simply, ending prison gerrymandering is about creating overdue equity and just representation, period.



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## Timing

It is not an overstatement to say that time is of the essence. The upcoming remap will set political boundaries for the next 10 years and it is, therefore, imperative that we act now to end prison gerrymandering. A failure to address the inequities of prison gerrymandering will mean a loss of representation for thousands of mostly Black and Brown Illinoisans for another decade.

How we draw legislative districts can affect a community's ability to be listened to and to influence state government. If you still have doubts about ending prison gerrymandering, think about this: how many candidates or lawmakers have you seen or heard are holding town halls or meetings in prisons to understand the needs of the people who are incarcerated. You can go back through the elections over the past decade and you would be hard pressed to find one example. Where is the representation due to people who are incarcerated? They get little to none.

We need to end prison gerrymandering now so all of our residents get the representation they deserve in the Illinois General Assembly.

## Next Steps

We hope to work with each of you to correct this issue before it is too late. We have shared language to solve this problem with committee members. There has also been a longstanding proposal, [HB203](#), introduced by state Rep. LaShawn Ford, which would correct this issue as well. That bill already has the support of 60 members of the House of Representatives. It's time to end this injustice once and for all.

I am happy to answer any questions from committee members.

Madeleine Doubek



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