Avoiding Prison-based Gerrymandering

Peter Wagner
Prison Policy Initiative

http://www.prisonpolicy.org
http://www.prisonersofthecensus.org
U.S. incarceration rate, 1925-2008
prisoners per 100,000 population
Census counts incarcerated people as residents of the census block that contains the prison.
Most state constitutions say that incarceration does not change a residence.

e.g. N.Y. Const Art II, § 4; People of New York v. Michael Cady 143 NY 100 (1894)
Anamosa, Iowa
Population: 5,494
(Census 2000)
Anamosa, Iowa
5,494 / 4 wards = 1,374 people per ward
Anamosa State Penitentiary
1,321 prisoners in
Ward 2
Ward 2
In Anamosa, does 1 equal 25?
The accidental politician was among first to sign petition to eliminate district.
“Although a state is entitled to the number of representatives in the House of Representatives as determined by the federal census, it is not required to use these census figures as a basis for apportioning its own legislature.”

# Three types of solutions

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ideal</strong></td>
<td>Census changes residence rule.</td>
</tr>
<tr>
<td><strong>State correction</strong></td>
<td>States adjust Census to count prisoners at home.</td>
</tr>
<tr>
<td><strong>Interim</strong></td>
<td>Treat incarcerated people as “address unknown” and refuse to pad districts that contain prisons. Census Bureau cooperation helpful at county level, all-but-required at state level.</td>
</tr>
</tbody>
</table>
Interim solution has precedent

“Persons incarcerated ... live in a separate environment, do not participate in the life of Essex County, and do not affect the social and economic character of the towns.... The inclusion of these federal and state correctional facility inmates unfairly dilutes the votes or voting weight of persons residing in other towns within Essex County.”

Essex County New York Local Law No 1 of 2003
The data problem

Aside from geocoding problems....
The data problem

... many Census blocks mix prison and free populations
The data problem

In the future via the Block Boundary Suggestion Program, and for some of you, the present....
Lots of blocks, but only a small number are important.

<table>
<thead>
<tr>
<th>Description</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Census Blocks (2000)</td>
<td>8,205,802</td>
</tr>
<tr>
<td>Blocks with correctional facilities</td>
<td>5,692</td>
</tr>
<tr>
<td>Blocks with local jails</td>
<td>~3,500</td>
</tr>
<tr>
<td>Blocks with halfway houses, etc.</td>
<td>~1,000</td>
</tr>
<tr>
<td>Blocks with state and federal prisons</td>
<td>~1,500</td>
</tr>
</tbody>
</table>
## Census data products

<table>
<thead>
<tr>
<th></th>
<th>PL94-171</th>
<th>Advanced group quarters file</th>
<th>Summary File 1 prison data</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Release</strong></td>
<td>Feb-Mar 2011</td>
<td>May 2011</td>
<td>Summer 2011</td>
</tr>
<tr>
<td><strong>Prisons identified?</strong></td>
<td>No.</td>
<td>Yes.</td>
<td>Yes.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(2000: P37)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(2010: P41)</td>
</tr>
<tr>
<td><strong>Race/ethnicity</strong></td>
<td>63 combinations to the block level</td>
<td>No.</td>
<td>9 combinations to the tract level for correctional facilities</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(2000: PCT17A-I)</td>
</tr>
</tbody>
</table>
Warnings:

DIY prison geocoding.


Assuming all blocks with prisons are entirely incarcerated populations.
Planning Questions:

- Can I wait until May 2011 for the Advance Group Quarters data?

- Is it practical and appropriate in my state to limit the scope of adjustment to federal and state prisons? See: http://www.prisonersofthecensus.org/ok/primer.html

- Do I need race and ethnicity data? How will I get data at sufficient detail?

- Do I know about prisons built or rapidly expanded since the last Census? See: http://www.prisonersofthecensus.org/50states/newprisons.html

- Has Census geography changed near prisons in my state since 2000?
Tools:

- Correctional facility locator: 
  http://www.prisonersofthecensus.org/locator/
  Database of correctional facility Census counts linked to the count question resolution database and historical corrections data.

- Democracy Toolkit: 
  http://www.prisonersofthecensus.org/toolkit/section2.html
  documents the locator’s features.

- List of places that are known to exclude prison populations when districting http://www.prisonersofthecensus.org/local/
Resources

• Website:  
  http://www.prisonersofthecensus.org

• Weekly email list:  
  http://www.prisonersofthecensus.org/subscribe/

• Fixing prison-based gerrymandering after the 2010 Census: A 50 state guide  
  http://www.prisonersofthecensus.org/50states/

• Gerrymandering movie  
  http://www.endgerrymandering.com/  
  http://gerrymanderingmovie.com/
No Representation Without Population

End Prison-based Gerrymandering

http://www.prisonpolicy.org
http://www.prisonersofthecensus.org