

A complex network diagram with various sized nodes (black, blue, grey) and connecting lines, overlaid on a background of faint, overlapping circles.

Mathematics and Redistricting

Trinity College, Fall 2021 (Kyle Evans)

Prison Gerrymandering

[1 minute introduction from *Oz* \(HBO\)](#)

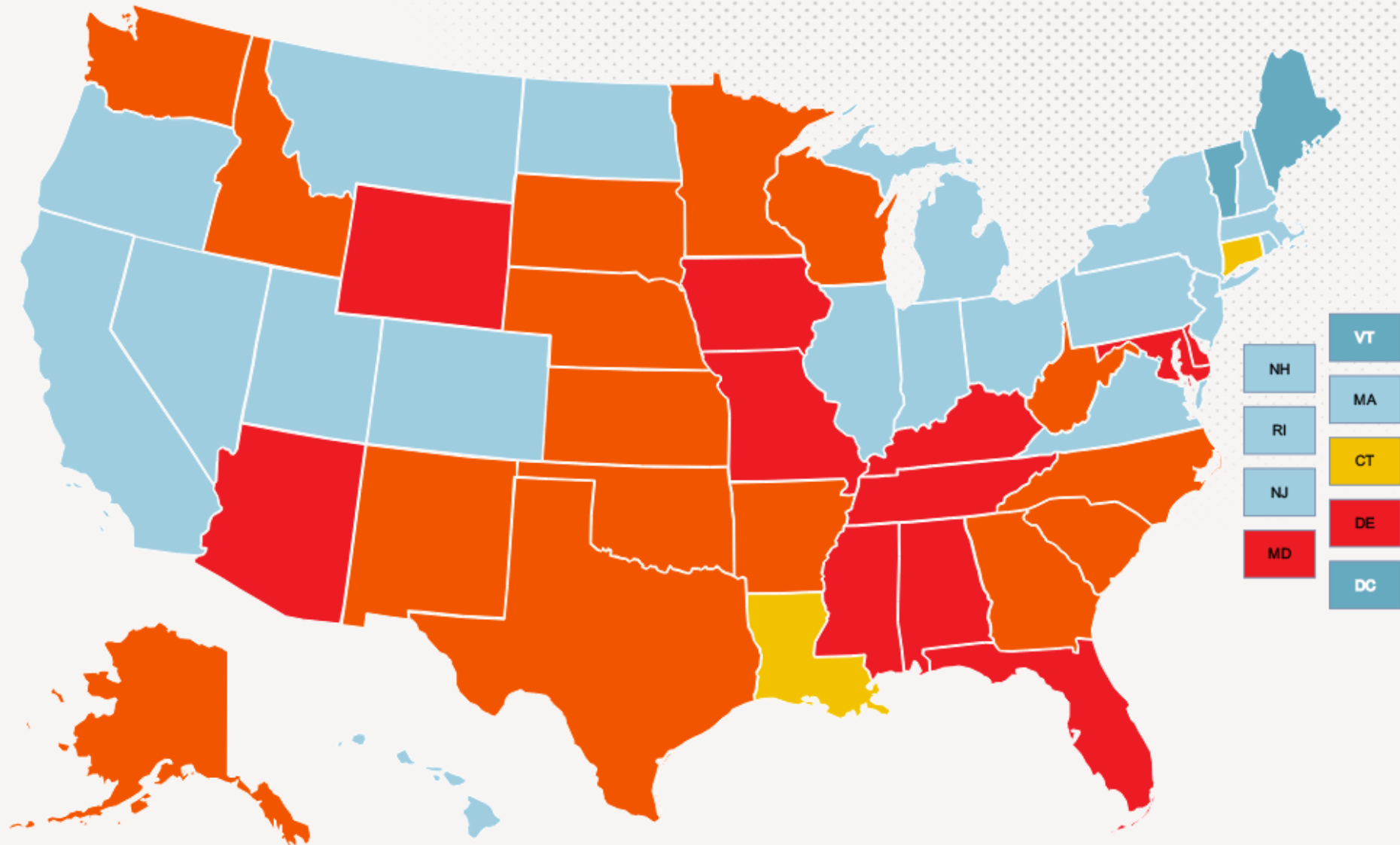
- U.S. Census counts prisoners as citizens of the town of the prison, not as citizens of the towns they come from
- Many states use the Census data in redistricting for equal populations (as well as for demographic data)

Prison Gerrymandering

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- U.S. Census counts prisoners as citizens of the town of the prison, not as citizens of the towns they come from
- Many states use the Census data in redistricting for equal populations (as well as for demographic data)
- By the way...most prisoners can't vote
 - And when they can, they vote absentee based on their home address!
- Over 5 million people were unable to vote last election due to felony disenfranchisement laws

Criminal Disenfranchisement Laws Across the United States



● Permanent disenfranchisement for all people with felony convictions

● Permanent disenfranchisement for at least some people with criminal convictions

● Voting rights restored upon completion of sentence, including prison, parole, and probation

● Voting rights restored automatically after release from prison and discharge from parole

● Voting rights restored automatically after release from prison

● No disenfranchisement for people with criminal convictions

Mass Incarceration Statistics

- The U.S. has the highest % of people in prison in the world
- Currently over 2 million people in prison (just under 1% of population)
- U.S. has 5% of world's population and 21% of world's prison population
- Expanded to probation and parole, 1 in 37 adults are in the correctional system (over 7 million people)

Mass Incarceration Statistics

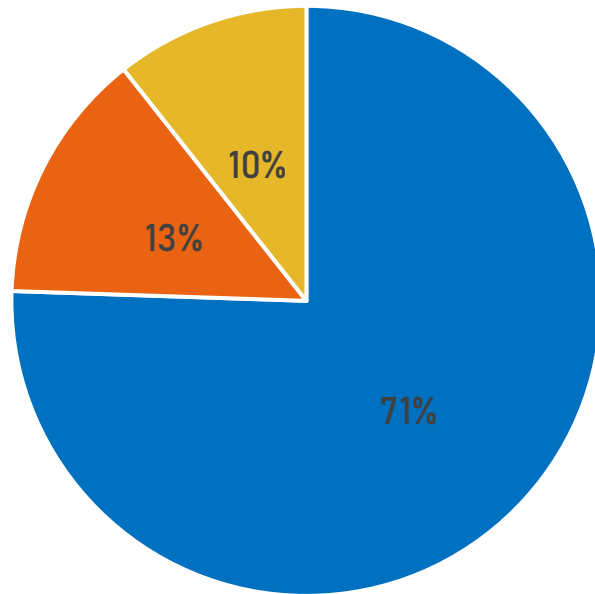
- Connecticut's prison population is about half (~9,000) of what it was a decade ago (~18,000)
- CT had about 12,500 people incarcerated before the pandemic hit
 - Fewer arrests (less people admitted)
 - Increase in discretionary releases
 - Decrease in all bond amounts
 - All contributed to goal of de-densifying CT prisons

Mass Incarceration and Race

	White	Black	Hispanic
U.S. population	64%	13%	16%
U.S. prison population	39%	40%	19%

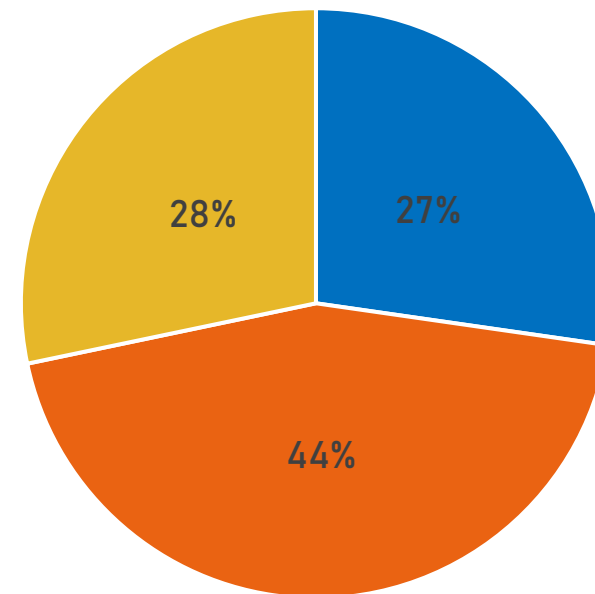
Mass Incarceration and Race

CT Population



■ White ■ Black ■ Hispanic

CT Prison Population



■ White ■ Black ■ Hispanic

Distorted Census data

Due to how prisoners are counted and that most prisons are in rural areas, we have misleading Census data about:

- Population growth / decline of communities
- Race and ethnicity statistics
- Gender ratios (92% of prisoners are male)
- Per-capita income statistics

Prison Gerrymandering

“There are many ways to hijack political power. One of them is to draw state or city legislative districts around large prisons — and pretend that the inmates are legitimate constituents.”

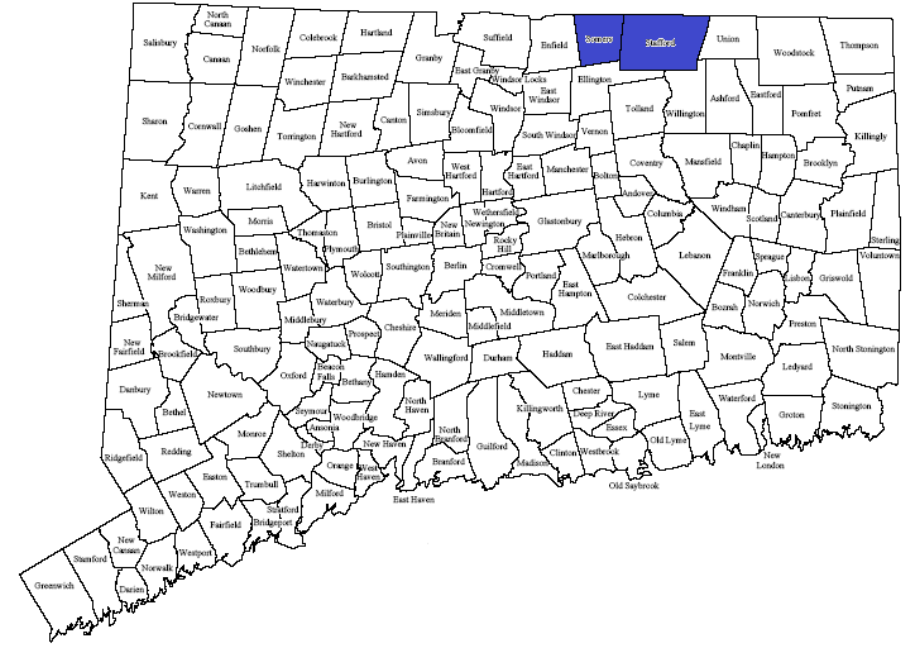
Grouped set of problems:

- Increased voting power for residents in rural towns with prisons
- Decreased voting power for residents in cities where prisoners are from
- Clear racial implications based on prison population demographics

Prison Gerrymandering

Connecticut State House District 52

- Towns: Somers and Stafford
- Contains 2 state prison facilities
- 10% of the district's population consists of prisoners
- 87% of the district's Black population consists of prisoners



Prison Gerrymandering

Connecticut Constitution:

“No person shall be deemed to have lost his residence in any town by reason of his absence therefrom in any institution maintained by the state.”

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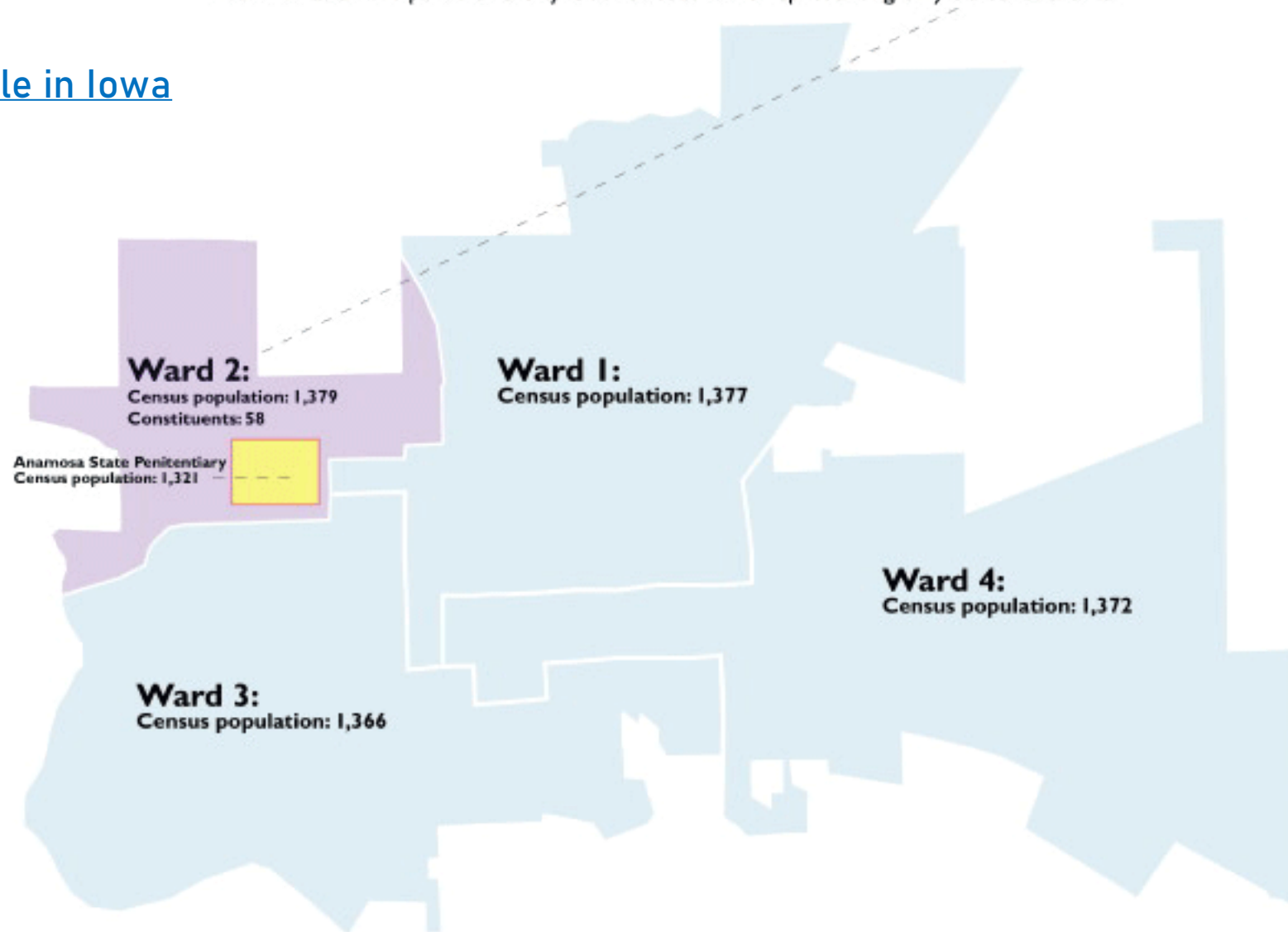
...yet the Census counts are used for redistricting (contradiction of own law)

Well they used to be... as previously mentioned, this changed in May 2021!

City Council Wards in Anamosa, Iowa

Ward 2 has all the perks of a City Council seat while representing only 58 constituents

[An extreme example in Iowa](#)



Prison Gerrymandering Overview

- Census has always used “usual residency” as guideline for counting
- Incarceration total in US has increased by more than 8 times since 1970
- More than 1,000,000 people counted with prison as “home” address
 - Creates an undercount in communities they are from (disproportionately minority)
- People living next to prisons have their voting power inflated
- Legislators are incentivized to keep prisons in their district full
 - Benefits their own chances for re-election
 - Influences their policy stances

Prison Gerrymandering Overview

- **Common misconception is that it distorts funding**
 - Most federal funding is based on state populations, not local populations
 - Other funding programs are more sophisticated, for example low-income school funding is based on population of low-income children in an area
- **Solution – Census Bureau changes their policy**
 - Policy has been changed over time for college students, missionaries, overseas military
 - State solutions – use own data to count prisoners at home address
 - If unknown address (few cases), use at-large state block or prison address

Prison Gerrymandering Laws

- (2010) The first laws changing where prisoners are counted were passed by New York and Maryland for the 2011 redistricting cycle
 - MD: “majority-minority” district in 1980s
 - MD: 68% of prisoners from Baltimore, 85% of correctional facilities outside of Baltimore
 - MD: “No Representation without Population”
 - NY: representatives from districts with prisons opposed criminal reform to maintain seats
 - NY: 66% of prisoners from NYC, 91% of correctional facilities outside of NYC

Summary Comparison of New York and Maryland Reform Laws³⁵

	New York	Maryland
Applies to state legislative districts?	YES	YES
Applies to congressional districts?	NO	YES
Applies to local districts?	YES	YES
Applies to state prisons?	YES	YES
Applies to federal prisons?	YES for subtraction NO for reallocation	YES
Specifies implementing agency?	YES	NO
Directs correctional system to provide specific data?	YES	NO
Out-of-state and unknown addresses allocated?	NO—excluded from dataset	YES—allocated to correctional facility

Prison Gerrymandering Court Cases

- *Fletcher v. Lamone* (2011, MD)
 - Conservative group claimed the reallocation of prisoners violated “one person, one vote” and that removing people not from Maryland discriminated against African-Americans
 - Many civil rights groups fought to defend the reallocation process
 - Law ultimately upheld as constitutional by the Supreme Court
- *Little v. LATFOR* (2011, NY)
 - Representatives from districts with prisons claimed the reallocation was against the state constitution which required use of Census data
 - Law upheld in New York Supreme Court as “inmates do not have ties to the communities in which they are involuntarily and temporarily located”

Prison Gerrymandering Laws

- Following the lead of MD/NY, similar versions of the law passed:
- (2011) California – starting in 2020 cycle
- (2011) Delaware – starting in 2020 cycle

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2018 – despite a huge push by many advocacy groups, the Census Bureau decided to maintain the practice of counting incarcerated individuals at the location of the correctional facility, but will provide Group Quarters data along with redistricting data so that states can adjust their numbers

Prison Gerrymandering Laws

- Following the lead of MD/NY, similar versions of the law passed:
- (2011) California – starting in 2020 cycle
- (2011) Delaware – starting in 2020 cycle
- (2019) Washington and Nevada
- (2020) New Jersey, Virginia, and Colorado
- (2021) Connecticut, Pennsylvania, and Montana
- (2021) Illinois – starting in 2030 cycle

MOMENTUM IS BUILDING

No longer hidden, the problem of prison gerrymandering is on the national agenda.

- State prohibits prison gerrymandering.
- State has formally requested that the Census Bureau end prison gerrymandering.
- Counties, cities and school boards confirmed to have avoided prison gerrymandering.
- State law prohibits or discourages local governments from engaging in prison gerrymandering.
- States have introduced legislation abolishing prison gerrymandering.

