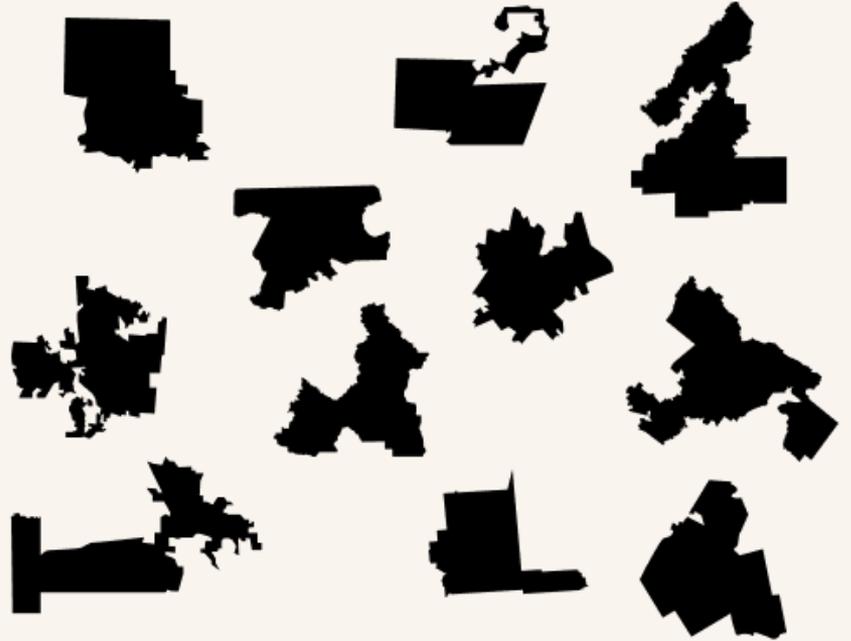


Data for Prison Gerrymandering Reform

June 22, 2023 | Redistricting Data Hub (RDH)

Agenda

1. What is prison gerrymandering?
2. How does it affect representation?
3. Does my state have prison gerrymander reforms?
4. What data is there to understand reforms in my state?
5. Questions?

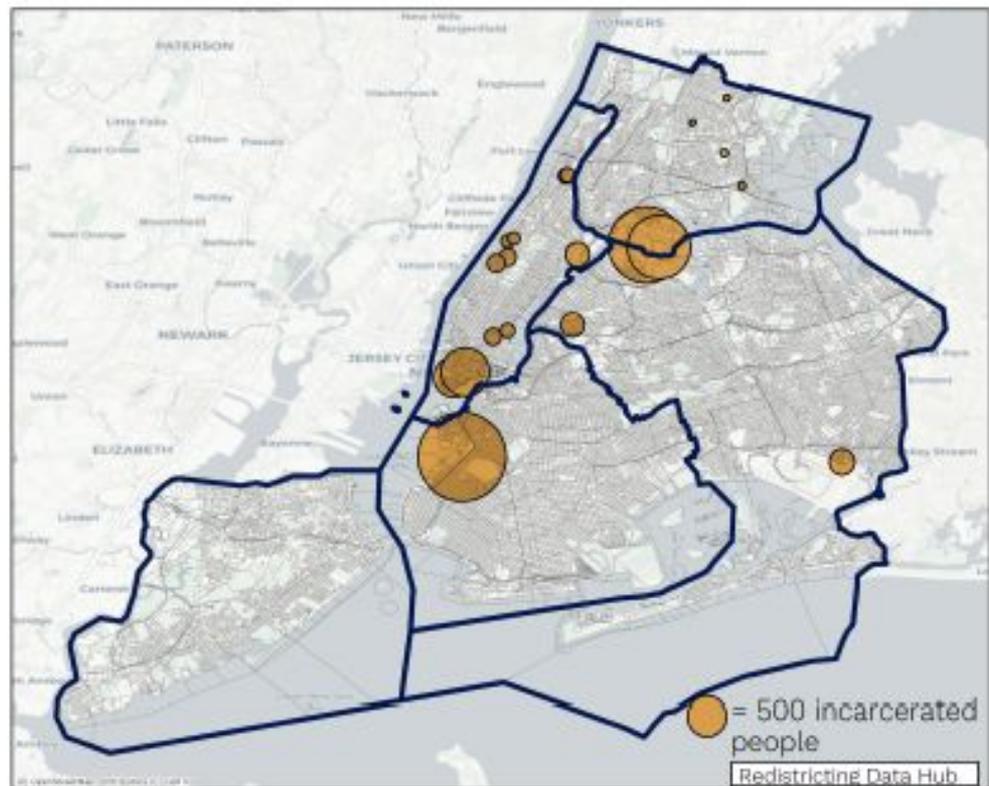


What is prison gerrymandering?

- ◆ Gerrymandering is the practice of creating districts that favor one group over another
 - a. Partisan
 - b. Racial
 - c. Incumbent
 - d. Prison: districts with prisons and jails (**facilities**) generally benefit from prison gerrymandering, while districts where incarcerated people are from are generally harmed by prison gerrymandering

What is prison gerrymandering?

- ◆ How does prison gerrymandering work?
 - a. Districts are required to be (roughly) equal in population, and incarcerated people are currently counted by the US Census Bureau as residing at jails and prisons
 - b. These facilities can be geographically distant from the home communities of incarcerated people



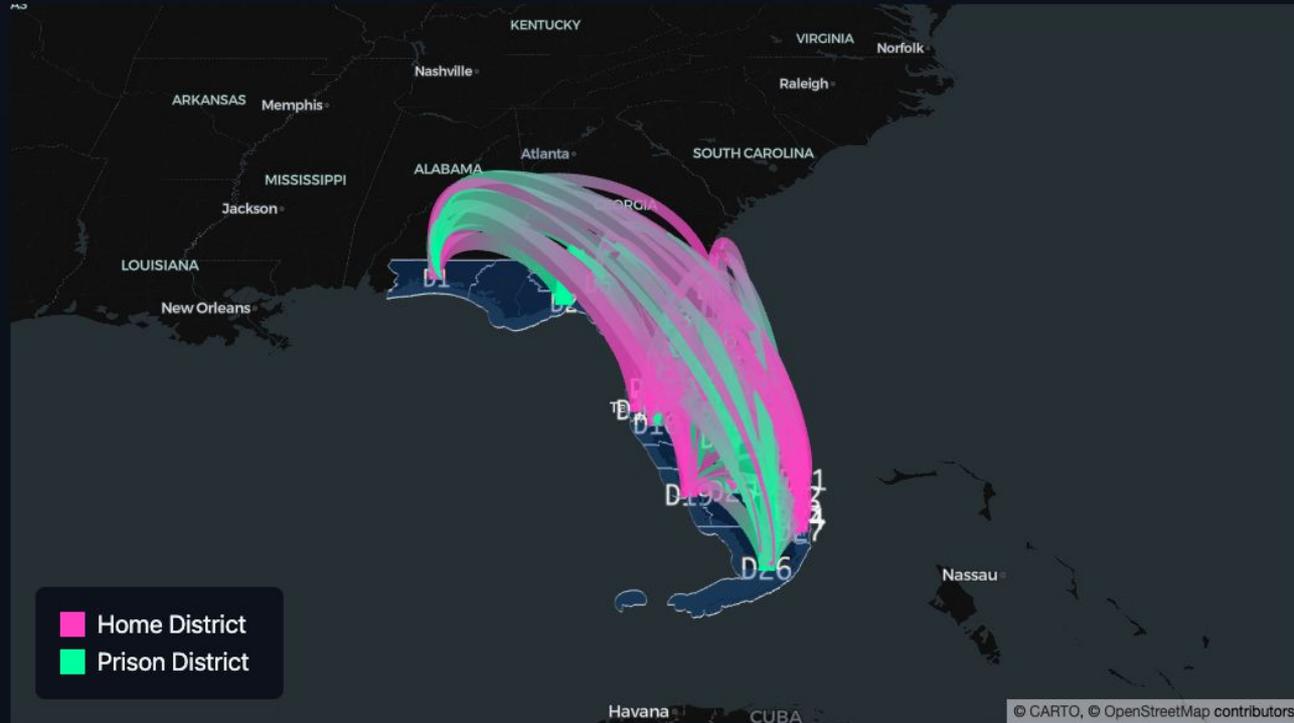
Circles are proportional to the total adult incarcerated population in each New York City Census Block, lines show the five boroughs



Current US Congress Map (2016) ▼

Feel free to zoom. Tap on arcs or hover for more details.

None None



What is prison gerrymandering?

- ◆ Individuals counted at facilities by the census are, in essence, counted as residing there for the next ten years
 - a. As many as half are serving sentences less than 10 years
 - b. This also includes several hundred thousand individuals held in pretrial detention, some of whom will be found not guilty, others who will be given an alternative sentence to incarceration

How does it affect representation?

- ◆ The demographic profile and political interests of incarcerated people often differ from those living near a facility
- ◆ The vast majority of incarcerated people are denied the right to vote

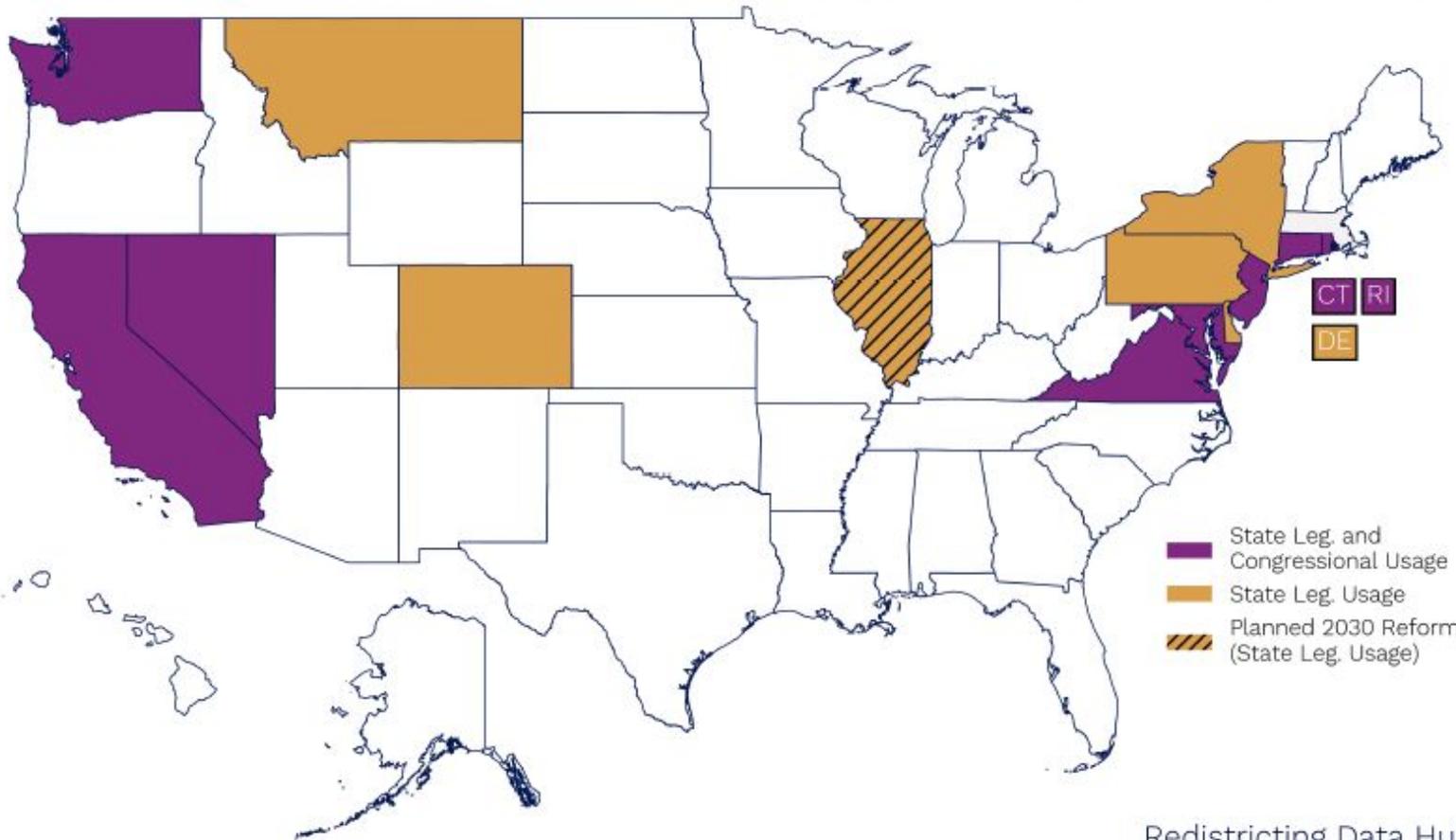
How does it affect representation?

- ◆ The net effect of prison gerrymandering and disenfranchisement laws is:
 - a. incarcerated people and the communities (and districts) which they are from have disproportionately less voting power and therefore representation
 - b. non-incarcerated people in districts with facilities have disproportionately greater voting power and therefore representation
 - c. the demographic makeup of districts where incarcerated people are from and where they reside may also be distorted

Does my state prison gerrymander?

- ◆ Reforms can be at the congressional, state legislative, or local level:
<https://www.prisonersofthecensus.org/news/#appendix>
- ◆ First we'll talk about the data available for states that implemented reforms at the state legislative and congressional level in 2021
- ◆ Then we'll talk about the data available in states that did not

States Reallocating Incarcerated Populations for Redistricting



Data to understand reform

- ◆ To understand how prison gerrymandering affects the total population of districts, you need data on where:
 - a. non-incarcerated people live (in the 2020 decennial census)
 - b. incarcerated people are confined in facilities (in the 2020 decennial census)
 - c. incarcerated people typically reside, or last-known address data
- ◆ Last-known address data is used to reallocate incarcerated people and create an **adjusted population dataset**, which is then used for redistricting

Data to understand reform

- ◆ Step 1 of the reallocation process is “subtracting” incarcerated adults from the population dataset (traditionally block-level census data)
 - a. Every state can do this now
- ◆ Step 2 is “adding” incarcerated people back to the dataset via their last-known address
 - a. States cannot add homeless or out of state individuals back in
 - b. States have so far been unable to add federally incarcerated people back in
 - c. States differ on whether to reallocate individuals back to the facility or keep them removed from the dataset if they cannot reallocate to a last known address

Comparing the Process for Creating Adjusted Datasets in States with Prison Gerrymandering Reform

The table below reveals the many choices states must make in creating adjusted datasets, as well as some indicators regarding their transparency and accessibility.

| | Levels Used? | People in Federal Facilities? | People w/ Out of State Addresses | People w/ Incomplete Address Data | Reform Enshrined Into Law? | Update Racial or Ethnic Counts? | Released Block-Level Data? | Supporting Documentation Available? |
|-----------|-------------------------|-------------------------------|----------------------------------|-----------------------------------|----------------------------|---------------------------------|----------------------------|-------------------------------------|
| CA | Both | Removed | Removed | Removed | Yes | Yes | Yes | Yes |
| CO | State Leg. | Kept In Place | Kept In Place | Kept In Place | Yes | Yes | Yes | Yes |
| CT | Both | Unclear | Unclear | Unclear | Yes | No ¹ | Yes | Yes |
| DE | State Leg. ² | Removed | Removed | Unclear | Yes | No | Yes | Yes |
| MD | Both | Removed | Unclear | Unclear | Yes | Yes | Yes | Yes |
| MT | State Leg. | Removed | Removed | Removed | No | Yes | Yes | Yes |
| NV | Both | N/A | Kept In Place | Kept In Place | Yes | No | Yes | Yes |
| NJ | Both | Unclear | Unclear | Unclear | Yes | Yes | Yes | Yes |
| NY | State Leg. | Removed | Removed | Removed | Yes | Yes | Yes | Yes |
| PA | State Leg. | Kept In Place | Kept In Place | Kept In Place | No | Yes | Yes | No |
| RI | Both | N/A | Unclear | Unclear | No | Yes | No | No |
| VA | Both | Kept In Place | Kept In Place | Kept In Place | Yes | No | Yes | No |
| WA | Both | Kept In Place | Kept In Place | Kept In Place | Yes | Yes | Yes | Yes |

¹ Connecticut's statutes suggest they do this, although we were unable to locate these updated counts

² Delaware has at-large congressional redistricting

From Reform to Implementation

This table shows how methodological choices and data quality affect the total number of people successfully reallocated.

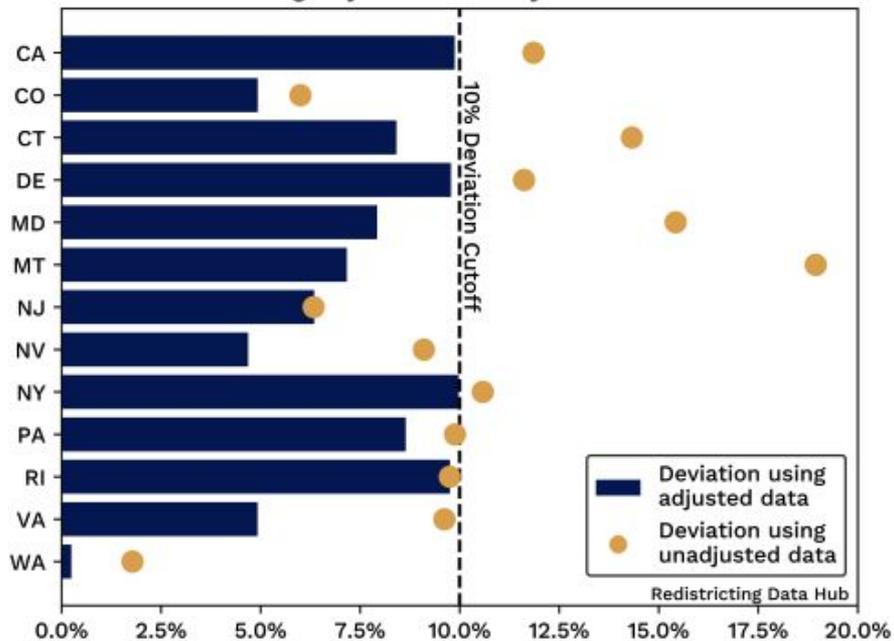
| State | Adult Incarcerated Population | People No Longer Counted at Facility | Pct. No Longer Counted at Facility | People Counted at Last known Address | Pct. Counted at Last known Address | People Removed From Adjusted Dataset |
|--------------|-------------------------------|--------------------------------------|------------------------------------|--------------------------------------|------------------------------------|--------------------------------------|
| California | 201,570 | 137,179 | 68.1% | 122,393 | 60.7% | 14,786 |
| Colorado | 32,307 | 14,125 | 43.7% | 14,125 | 43.7% | 0 |
| Connecticut | 13,581 | 12,753 | 93.9% | 10,375 | 76.4% | 2,378 |
| Delaware | 4,801 | 4,111 | 85.6% | 3,761 | 78.3% | 350 |
| Maryland | 27,040 | 17,062 | 63.1% | 15,241 | 56.4% | 1,821 |
| Montana | 5,774 | 2,838 | 49.2% | 1,330 | 23% | 1,508 |
| Nevada | 19,575 | 7,826 | 40% | 7,826 | 40% | 0 |
| New Jersey | 36,851 | 22,157 | 60.1% | 16,179 | 43.9% | 5,978 |
| New York | 62,707 | 46,418 | 74% | 39,027 | 62.2% | 7,391 |
| Pennsylvania | 81,297 | 26,819 | 33% | 26,819 | 33% | 0 |
| Virginia | 57,014 | 41,855 | 73.4% | 41,855 | 73.4% | 0 |
| Washington | 26,677 | 15,177 | 56.9% | 15,177 | 56.9% | 0 |
| Total | 569,194 | 348,320 | 61.2% | 314,108 | 55.2% | 34,212 |

Note: Counts of people may miss individuals whose last known address is in a census block that contains a facility which lost population. Rhode Island is not included in this table because they did not release an adjusted dataset.

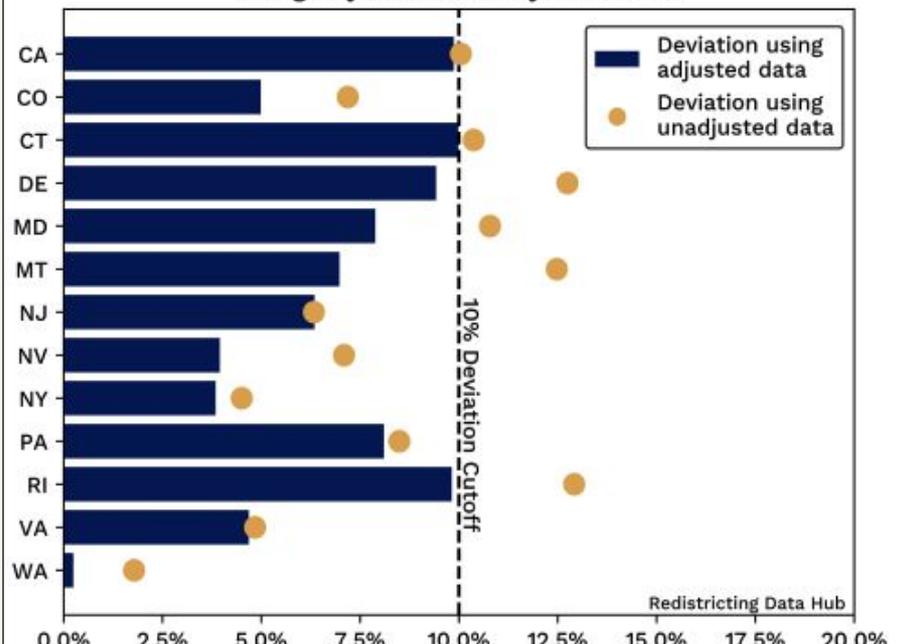
Data to understand reform

- ◆ In 12 states (CA, CO, CT, DE, MD, MT, NV, NJ, NY, PA, VA, WA) with statewide reforms in 2021, adjusted datasets are publicly available
 - a. You can use these adjusted datasets to compare a state's population with and without reforms (using the 2020 decennial census data)

State Legislative Lower District Deviations
Using Adjusted & Unadjusted Data



State Legislative Upper District Deviations
Using Adjusted & Unadjusted Data



Data to understand reform

- ◆ In 32* states without reforms, you can **counterfactual data** based on sentencing county and in some cases last-known address data to estimate an adjusted dataset
 - a. This data is courtesy of Rory Kramer, PhD., Brianna Remster, PhD., and Denise Wilson of Villanova University

- ◆ In any state, last-known address data could be requested from the State's Department of Corrections

Data to understand reform

- ◆ What about the racial/ethnic impact?
 - a. 8 of 12 states releasing adjusted datasets included data on race/ethnicity
 - b. 32 states with counterfactual adjusted datasets include data on race/ethnicity

- ◆ One complicating factor is that a State's Department of Corrections may not record and report race and ethnicity in the same way that the Census Bureau records and reports race and ethnicity

Data to understand reform

- ◆ All the data referenced in this training is available to download for free on our website
- ◆ Our national report is available at <https://redistrictingdatahub.org/projects/prison-gerrymandering-and-reform-efforts/>
- ◆ Counterfactual state reports will be available on this page next week
- ◆ If your organization wants to understand what the impact of prison gerrymandering is in your state, please reach out!

help@redistrictingdatahub.org

Questions?

