

Prison Gerrymandering

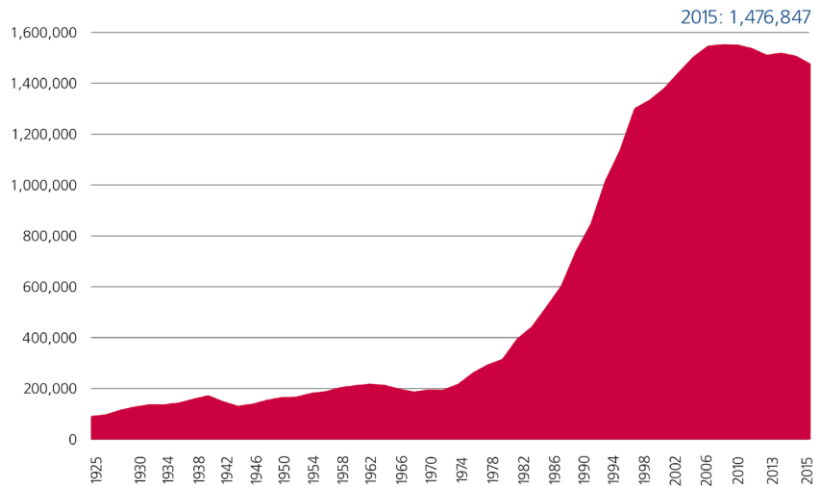
April 17th, 2019

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Prof. Janet Lorenzen, and Olivia Orosco



Mass incarceration is a relatively new phenomenon.

U.S. State and Federal Prison Population, 1925-2015



Source: Bureau of Justice Statistics *Prisoners Series*.



STATE PRISON INCARCERATION RATE IN OREGON



PRISON
POLICY INITIATIVE

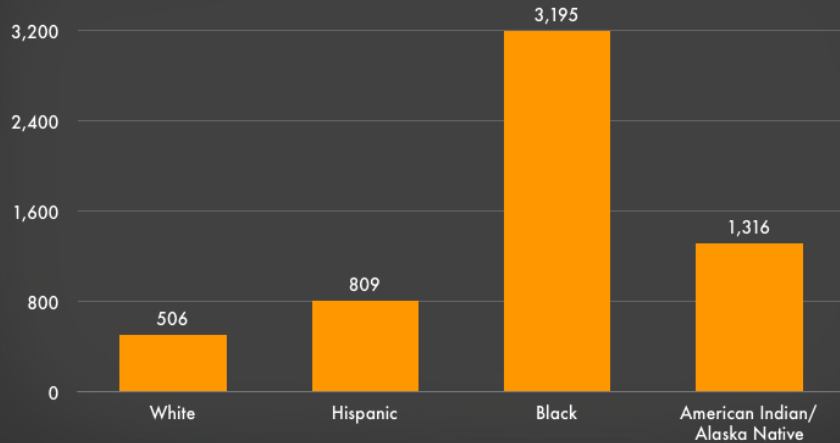
Number of people incarcerated in state prison with sentences over one year, per 100,000 people in the state.

Source: Bureau of Justice Statistics, Corrections Statistical Analysis Tool.

Institutionalized Racism

OREGON INCARCERATION RATES BY RACE/ETHNICITY, 2010

(Number of people incarcerated per 100,000 people in that racial/ethnic group)



Race/Ethnicity	% of U.S. Population	% of U.S. incarcerated	Incarceration rate (per 100,000)
White	64%	39%	450
Hispanic	16%	19%	831
Black	13%	40%	2,306

In Oregon:

Whites = 78% of the pop; 69% of the prison pop.

Hispanics = 12% of the pop; 16% of the prison pop.

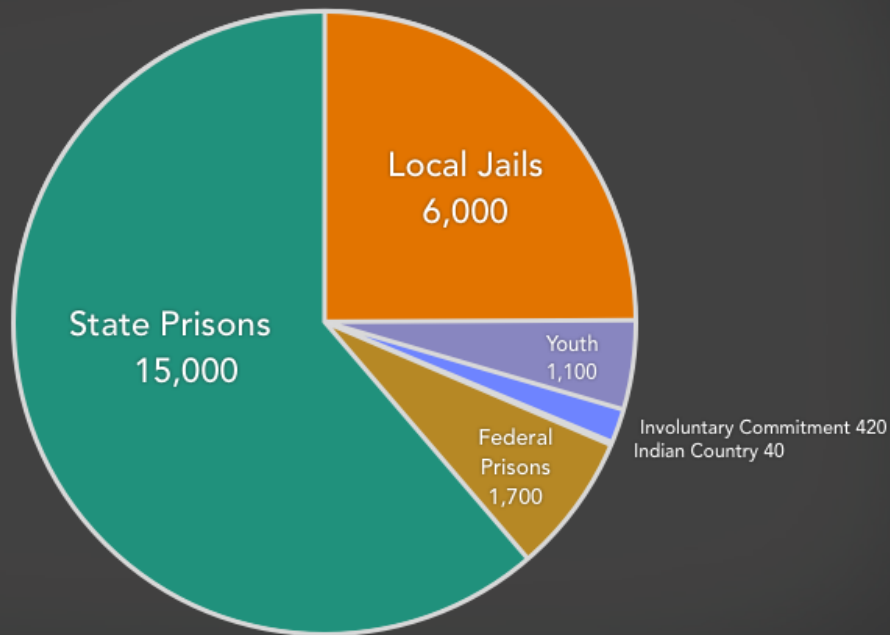
Blacks = 2% of the pop; 10% of the prison pop.

American Indians/Alaskan Natives = 1% of the pop; 2% of the prison population.

We live in an age of mass incarceration.

How many Oregon residents are locked up and where?

24,000 of Oregon's residents are locked up in various kinds of facilities





Prison Gerrymandering: Definition

The Census counts residents living in prisons at their current residence and uses those numbers in redistricting.

Most people are incarcerated for less than 3 years

Prison population 2010:

- 2.3 million (500% rise in 30 years)
- If they formed their own state, it would get 5 electoral votes
- But... they can't vote in 48 states



National context: urban & rural areas

Transfer of power: over 40% of the prison population is in rural/white areas, but prisoners are often from urban/diverse centers

ACS: Rural communities are 79% white; urban areas 56% minority

Rural areas: 40% country's prisoners, consisting largely of black & Latinx prisoners from urban centers

- disproportionately incarcerated
- counted as residents of the county in which they're incarcerated

White, rural districts artificially inflated by prisoners

- same representation as larger urban minority districts



NAACP lawsuit & Connecticut

NAACP et al v. Merrill

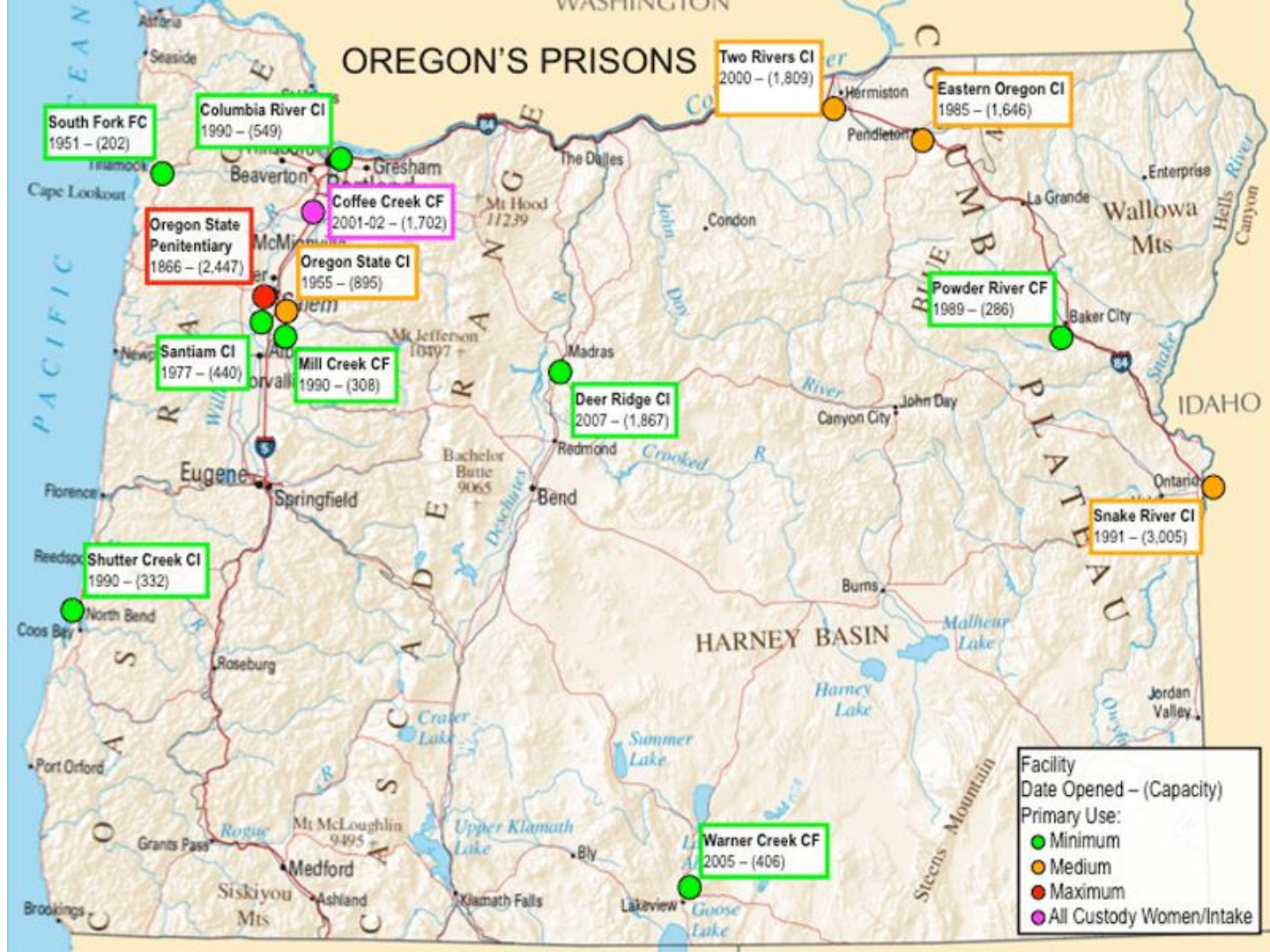
June 2018: NAACP filed a lawsuit against the state of Connecticut

The prison pop is from Bridgeport, Hartford, and New Haven, but the prisons are in northern/rural CT

1 rural district has 3 state prisons

The district's non-prison population is **15 % smaller** than in New Haven districts, but has the same representation in the state legislature


Oregon's prisons & population (where folks are sent)



Incarceration by County: Multnomah, Marion, Malheur (where folks are from)



Select Options Below

 Select Date Level
Year

Year
2012 to 2018

Gender
All

Crime Category
All

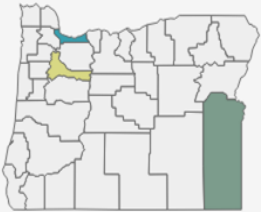
Select Display Method
Intake Count





Select county 1
Multnomah

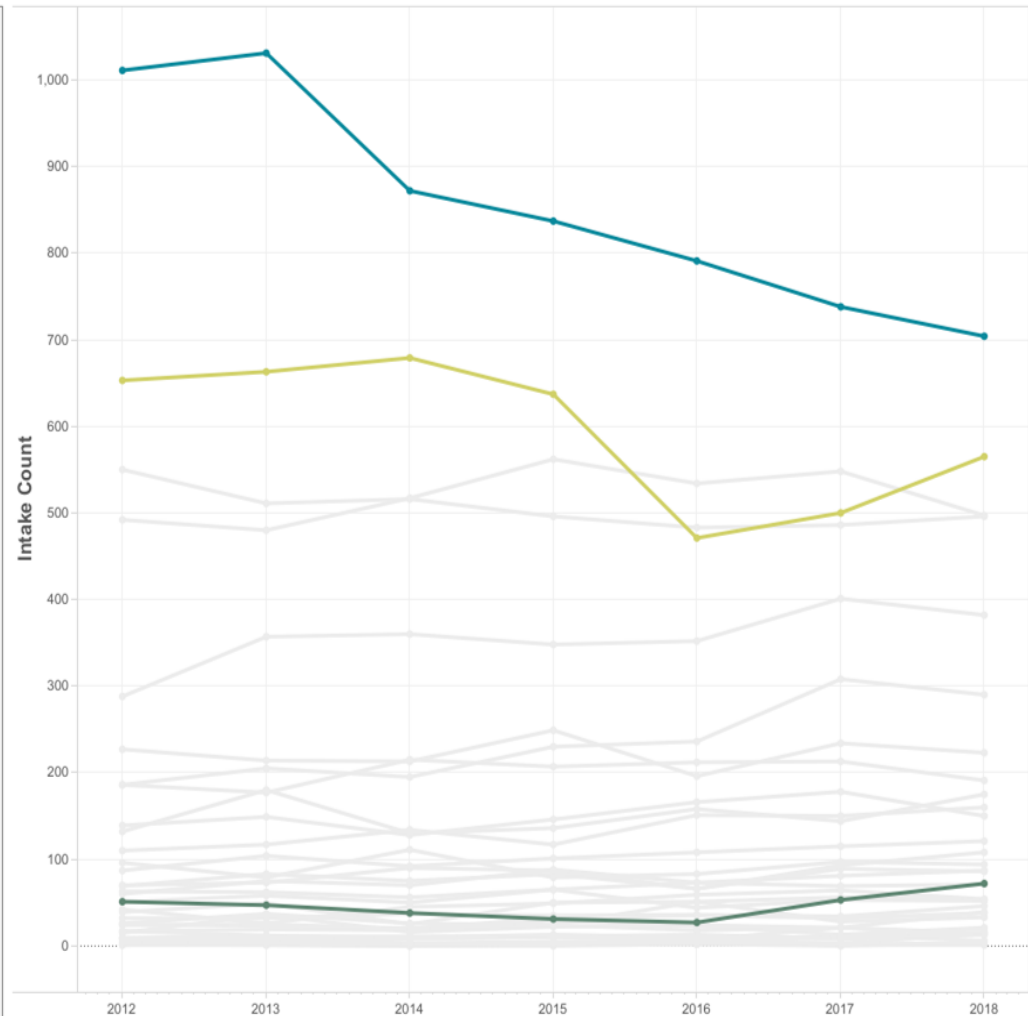
Select county 2
Marion

Select county 3
Malheur

County Locator



 County 1: Multnomah
 County 2: Marion
 County 3: Malheur
 Non-selected counties





Ex. New York (ends prison gerrymandering 2010)

New York Under-Populated Senate Districts after 2000 Redistricting²⁸

Senate District	Senator	Type	Reported Population	Prisoners to remove	Corrected Population	Corrected Deviation
45	Ronald Stafford	Rural	299,603	12,989	286,614	-6.36%
47	Raymond Meier	Rural	291,303	3,563	287,740	-5.99%
48	James Wright	Rural	290,925	5,291	285,634	-6.68%
49	Nancy L. Hoffman	Rural	291,303	2,881	288,422	-5.77%
51	James Seward	Rural	291,482	3,108	288,374	-5.78%
54	Michael Nozzolio	Rural	291,303	3,551	287,752	-5.99%
59	Dale Volker	Rural	294,256	8,951	285,305	-6.79%



TIMELINE: How to end prison gerrymandering

June 2019: HB 2492 passes, goes into effect immediately. Department of Corrections is notified that Federal and State prisons have 10 months to supply existing data to the SOS.

March/April 2020: Census begins data collection & conducts “group enumerations” of incarcerated people.

May 2020: Department of Corrections delivers data on incarcerated people to SOS including: last known address, race/ethnicity, and date of birth.

February - March 2021: Census delivers data from original counts to states.

March 2021: [HB 2492 indicates 14 days after census data is delivered] Deadline for the Secretary of State to prepare data on incarcerated people with correct addresses. Data is sent to census.

April 2021: Census staff map last known address for incarcerated people (called geocoding). When map is returned to the SOS, the data set from the original census count and the new map are reconciled into one redistricting data set (census block tables are adjusted).

April - July 1st 2021: Redistricting finalized by July 1st in Oregon

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



Thank you

For more information contact:

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Ex. New York

Table 1. New York prisoner population statistics

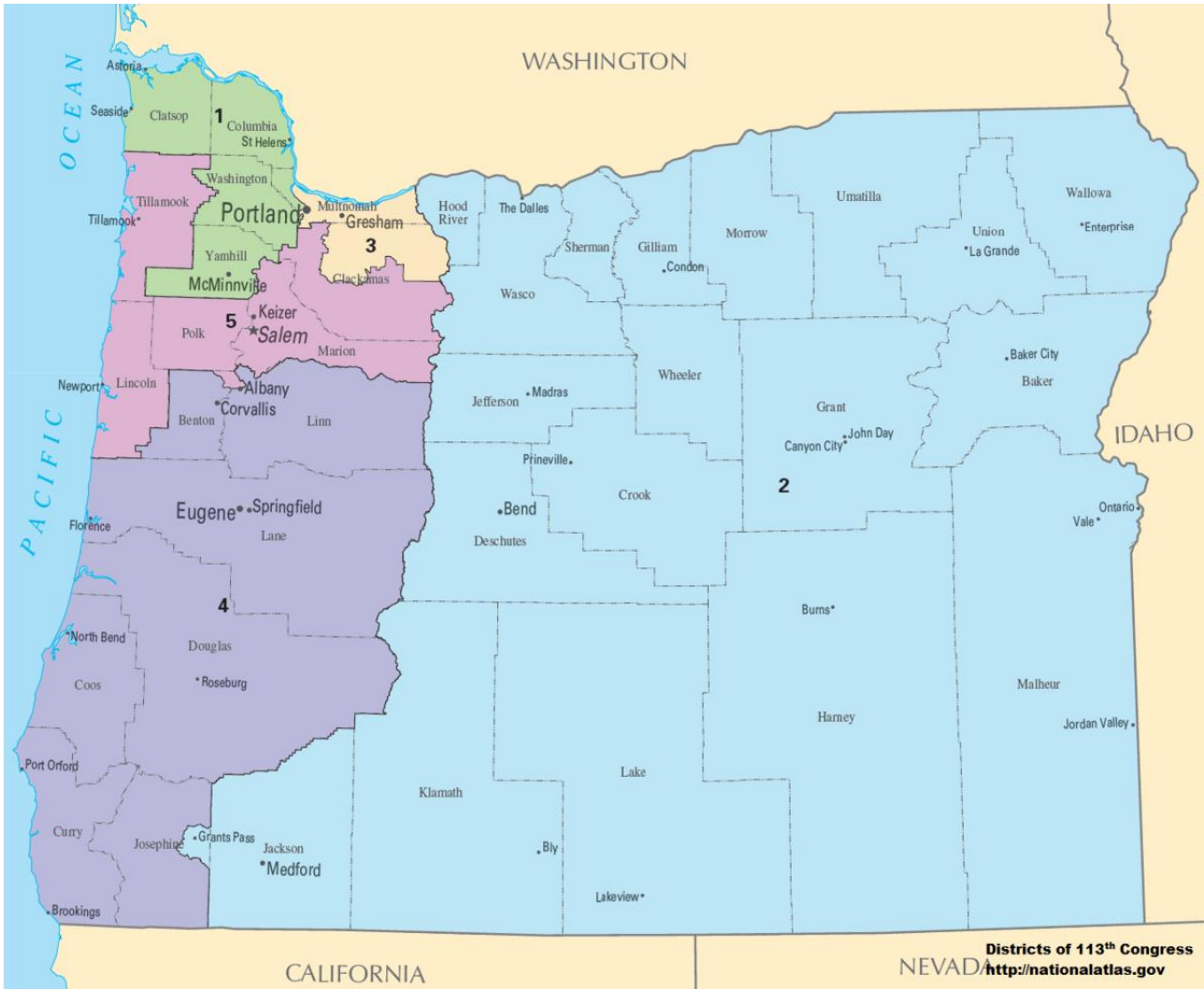
	New York City	Long Island	Upstate
Where is the state population?	≈ 43%	≈ 20%	≈ 37%
Where are prisoners from?	≈ 66%	≈ 10%	≈ 24%
Where are prisoners incarcerated?	≈ 4%	≈ 5%	≈ 91%

Source: Wagner 2002, 1.

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New York ends prison gerrymandering in 2010 & Maryland in 2011.



Oregon Congressional Districts



Thank you! Questions?

Keep an eye out in June to find out what's up with the 2020 Census citizenship question!

More info?

<https://www.prisonersofthecensus.org/>

<https://www.prisonpolicy.org/>

Jobs?

<https://2020census.gov/en/jobs/locations/national-info/oregon-info.html>

<https://www.census.gov/about/regions/los-angeles/jobs/oregon.html>



Oregon Bill: HB 2492

“For the purpose of voting, no person shall be deemed to have gained, or lost a residence...while confined in any public prison.” Oregon Const. Art IV § 4.

- 2019 legislative session = last chance to pass a bill!
- Census collection begins March /April 2020
- Ask Secretary of State to coordinate the data gathering
- Ask Department of Corrections to supply the data
- Ask the Census to geocode the last known addresses



General deviation in redistricting (not counting prison gerrymandering): <http://www.ncsl.org/research/redistricting/2010-ncsl-redistricting-deviation-table.aspx>