Prisoner count

Should U.S. Census tabulations include those incarcerated in the community? Voting rights activists are among those who don't think so

by Jessica Pupovac

When the U.S. Census Bureau launches its decennial push to count every man, woman and child in the United States this spring, more than 50,000 prisoners throughout Illinois will be counted at their prison addresses, in communities where they are unlikely to ever cast a ballot, send a child to school or access social services.

It is a practice as old as the Census Bureau itself and, according to one official, one the bureau is well aware of. But a growing movement of voting rights activists, prison reformers and Illinois legislators are calling the practice, particularly as it relates to legislative maps, "prison gerrymandering" and they are pushing for change — if not at the federal level, then here in Illinois.

"It's a double incentive to have a prison in your community,' says Paula Wolff, senior executive at Chicago Metropolis 2020, a Chicago-based civic group that works on criminal justice reform, "because there are a lot of people getting counted in your population whose constituent needs you don't have to attend to and who only benefit your community because they are being locked up. You don't have to meet any of their human or policy or personal needs, and that's what, theoretically, if you are a representative elected in a democracy, what you do: You represent those people and what is best for those people in policy matters."

State Rep. LaShawn Ford, a Chicago Democrat, introduced **House Bill 4650**, which would require the Illinois Department of Corrections and every local jail in the state to report their inmates' home addresses to the Illinois secretary of state. That office would then amend the state's official population tally before 2011, when the state legislative map is slated to be redrawn. Ford says his bill would correct an imbalance that is inflating political representation in areas that house prisoners while shrinking political power in high-crime areas, thereby "offend[ing] the principle of one person one vote."

"It erodes minority influence in government," he told *Illinois Issues*. "You have to have good representation for all people in government. That's why it's there. And if you don't have everyone represented, then it's not a good representative government."

But legislators whose home districts house large prisons aren't too keen on Ford's plan.

State Rep. John Cavaletto, a Republican from downstate Salem whose district population currently includes about 3,500 prisoners, thinks the census count should stay on the books as is.

"I don't support **[HB 4650]** at all, and I'm sure other people down here would feel the same way about it," he says. "Members of communities I represent put themselves in harm's way every day guarding Illinois' most dangerous criminals. If human resources from our communities are being used to operate correctional facilities, then the inmates should be counted where they are incarcerated."

Big Muddy River Correctional Center

Photograph courtesy of the Illinois Department of Corrections

But according to Peter Wagner, executive director of the Prison Policy Initiative, a Massachusetts-based research and advocacy organization that has looked extensively into the effects of counting prisoners at their place of incarceration: "This is not how our government works. His constituents have hard jobs, but you don't get extra representation for that. The Constitution says we have to base districts on population, not industries."

The Prison Policy Initiative gave *Illinois Issues* exclusive access to a forthcoming report on how prison counts affect political partitioning in Illinois, titled, "Importing Constituents: Prisoners and Political Clout in Illinois." According to the report, no Illinois legislative district derives more than 3.4 percent of its population from its prisons. Some of the districts with the largest inmate populations are: District 91, represented by Rep. Michael Smith of Canton, with 3,576 inmates; District 107, represented by Cavaletto, with 3,495 and District 118, represented by Rep. Brandon Phelps of Harrisburg, with 3,261. Senate districts with the largest prison populations include District 58, represented by Sen. David Luechtefeld of Okawville and District 49, represented by Sen. Deanna Demuzio of Carlinville.

Phelps and Smith did not return calls for comment for this article. Luechtefeld and Demuzio say that on principle, they would support counting prisoners at their home addresses for purposes of redistricting. To Demuzio, however, the devil is in the details.

"We're looking at a $13 billion hole today, and it's pretty costly, when you go in, if you have to hire somebody to go into the facility. You assume that the records are complete, but they may not be. You have to look at scheduling someone to go in and look at those records. I don't know if that is what we want to get into. You would have to have personnel from IDOC to be there. And looking at the number of facilities we have here, there would have to be a lot of clearance to go in. And you would not have it completed in one day, and what would be the length of time it would take? I don't think this is something we need to do right now," she says.

On the local level, at least seven counties in Illinois — Logan, Christian, LaSalle, Livingston, Crawford, Fulton and Knox — have taken it upon themselves to tweak their population figures so that prison populations simply aren't included in city and county districting. There are still several counties in the state, however, where district sizes are wildly different as a result of those figures. According to the Prison Policy Initiative report, Lee County, which has four districts of about 9,000 people each, has one district where the prison population accounts for almost 25 percent of the population because of the presence of Dixon Correctional Center. As a result, 75 voters in this district have the same voting power as 100 voters in the other districts.

But, according to public officials in Lee County, it has never been much of an issue. County Clerk and Recorder Nancy Nelson says that prior to a call from *Illinois Issues*, she was unaware of the problem.

"Nobody has ever brought it to my attention in my 10 years here," says Nelson. "Most of them probably don't even know."

Larry Eisenberg, a Lee County commissioner, says local politics rarely get so heated that the additional representation makes much of a difference. However, he added, sometimes there is a city dwellers vs. farmers split on zoning issues, but for the most part, county board meetings are pretty subdued.

"We don't have any squabbles, we're pretty happy with the way things are," he says. "But farmers basically run the show. [District] 4 has more farmers than anybody else."

Things get a little dicier in Springfield.

The Prison Policy Initiative study found the legislative benefits of prison populations to flow largely away from Chicago and toward the more rural — and white — communities downstate. Although 41 percent of Illinois inmates are from Cook County, a whopping 90 percent of them are incarcerated down-

Centralia Correctional Center

Photograph courtesy of the Illinois Department of Corrections

state. And although the incarceration rate for African-Americans in Illinois is about 7.5 times higher than whites, 95 percent of the state and federal prison cells are located in disproportionately white counties. In fact, Wagner's research shows, in 20 Illinois counties, more than half of the black population reported in the census as local residents are in fact incarcerated people from elsewhere in the state.

It's one reason the issue is on the radar of the NAACP Legal Defense Fund, which advocates for voting rights for minorities.

"You have a class of citizens in this country that have no representation — no political representation — and they are predominantly minority," says Jenigh Garrett, assistant counsel at the fund. "The question is really rooted in a bigger idea that we have in our Constitution of participation in our democracy. We have decided that we will have representation. In order to have responsiveness in government, you have to have a political voice, and if you don't have a political voice or if that political voice is distorted, then you don't have a role in government."

The African-American subcommittee of the Census Bureau's Race and Ethnicity Advisory Committee has also recommended more than once that the bureau change the way it counts prisoners.

But a spokesperson with the bureau says that while census officials are aware of the issues, they have no plans to modify the policy in the near future.

"We've been doing that the same way since 1790. Basically, we count prisoners the way we count everyone else. The general rule is, we count people where they live and stay most of the time, which is not the same as their voting address or their legal address," says Jim Dinwiddie of the U.S. Census Bureau's Decennial Management Division. "That has advantages and it has disadvantages, depending on what you're trying to do. Certainly there are people who would like to do it some other way. Certainly a lot of the proponents of this whole thing are suggesting that it is distorting the district boundaries and all of that. More often than not, correctional facilities are located in rural areas, and those people are considered part of the population there, and that affects all sorts of things.

"The main thing is that everybody understands this is how we do it, and then they can interpret the data the way they interpret the data," he adds. "States may want to look at how they do their districting or fund allocation within the state. Maybe they want to exclude populations in group quarters, which would include college dorms as well. That's up to them."

So far, according to Wagner, no states modify census data prior to redistricting, though momentum has been moving in that direction nationwide. "Illinois could be among the first," he says.

But there are some fears associated with tweaking the current way population-related business is done in Illinois. Although Ford's bill only applies to legislative redistricting, Cavaletto and others are concerned about the long-term financial implications of having a population count on the books in which prisoners are removed from the tally of the districts where the prisons are located.

Cavaletto says that Big Muddy River and Centralia, the two IDOC facilities in his district, bring education and other state and federal funds to the area, in addition to the business and jobs more directly connected to the facilities. He fears that any changes in population could negatively affect the already struggling, rural communities he represents.

According to Kelly Kraft at the Governor's Office of Budget Management, counties of incarceration receive funding based on the population count, particularly if the prison population bumps

that local community into the next funding bracket.

"The overall impact of having communities receive funding where prisons are located benefits that jurisdiction greatly, while the communities where inmates come from receive no 'credit' for that inmate having originally resided there," she wrote in an e-mail.

It's one reason that the downstate city of Centralia is trying to annex a state prison just outside its city limits.

Grant Kleinhenz, city manager for Centralia, says the Centralia Correctional Center, which houses 1,500 inmates, would bring in about $130 per person per year through a bevy of different state taxes. "It does count as part of your population, particularly with the way that state shared revenues are distributed," he says. "That population would bring in an additional $200,000 to our budget."

But to Ford, the revenue is just one more reason to count the prisoners at their home addresses.

Contrary to popular perception, Ford says, most inmates serve short sentences, and the majority do go back to where they came from. When they do, he says, many of them struggle to find the resources they need to avoid going back to prison.

"You don't have those dollars to set things up for them when they come back from prison," he says. "Some of the areas that I represent deal with a lot of recidivism. … People are in and out of jail because there are no resources for them when they are released from jail."

According to Chicago Metropolis' 2020 Crime and Justice Index, which compiles criminal justice-related data in the Chicago area over time, in 2005, the Illinois Department of Corrections released 39,031 people. (Its current population is just over 45,000.) Two-thirds of them returned to the Chicago area, mostly to a handful of communities — Austin, Humboldt Park, North Lawndale, West Englewood, East Garfield Park, Roseland and Auburn Gresham. All of them were low-income and predominantly African-American.

But Cavaletto called the initiative to count prisoners in their home districts "nothing more than a grab for representation."

"When these people are paroled and they get out, they may not go back to Chicago. How are we going to keep track of where they are going? While they are here, they ought to be counted here," he says. "If you want to build a prison in Chicago and take them back, then they would be counted there. But the prisons were built here. And it just so happens that we are the people who house them."

Rep. Art Turner, who also represents a high-crime area of Chicago, introduced similar legislation in 2004 and 2005, but both efforts failed. But Ford is hoping this time will be different.

"That's the push right now, right? To make sure everyone is counted in their areas — not just for the resources but also the representation," says Ford. "This is the moment. We only have a chance to do this right every 10 years, and we really have to make this time count, now." ❑

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