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The Criminal Justice System and Political Participation

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INTRODUCTION

        Government action often comes with unintended consequences. The state can make citizens' lives better or worse, while meaning to do neither. Public policies can affect individuals' political and life decisions. These ideas are at play in the debate surrounding the current state of the United States criminal justice system. The purpose of the criminal justice system is in its name—to serve justice to those who would break the law. However, there is continuous debate over how this should be done, including debate about how crimes should be defined, and the proper punishment for criminal deviance. In recent decades, the United States prison population has increased at an unprecedented rate. Currently, the U.S. imprisonment rate is the highest in the world (Walmsley, World Prison Population List (Tenth Edition), 2014). Some would say this is good—that society should lock criminals up and throw away the key. Others disagree, arguing that criminal justice should be rehabilitative. The purpose of this study is not to pass judgement on this issue, but to explore what effect this expanded criminal justice system has on the communities it affects the most.

        Research shows that the criminal justice system may have a feedback effect on the subsequent political participation of the neighborhoods most affected by it. There are issues with causality, however, as most factors that have been independently shown to lead to lower voter turnout such as age and socioeconomic status, also are predictors of crime levels and criminal justice contact. This study seeks to untangle these factors and find any link between criminal justice contact and political participation at the congressional district level. My findings reveal little evidence that criminal justice contact has a measurable effect on political participation.
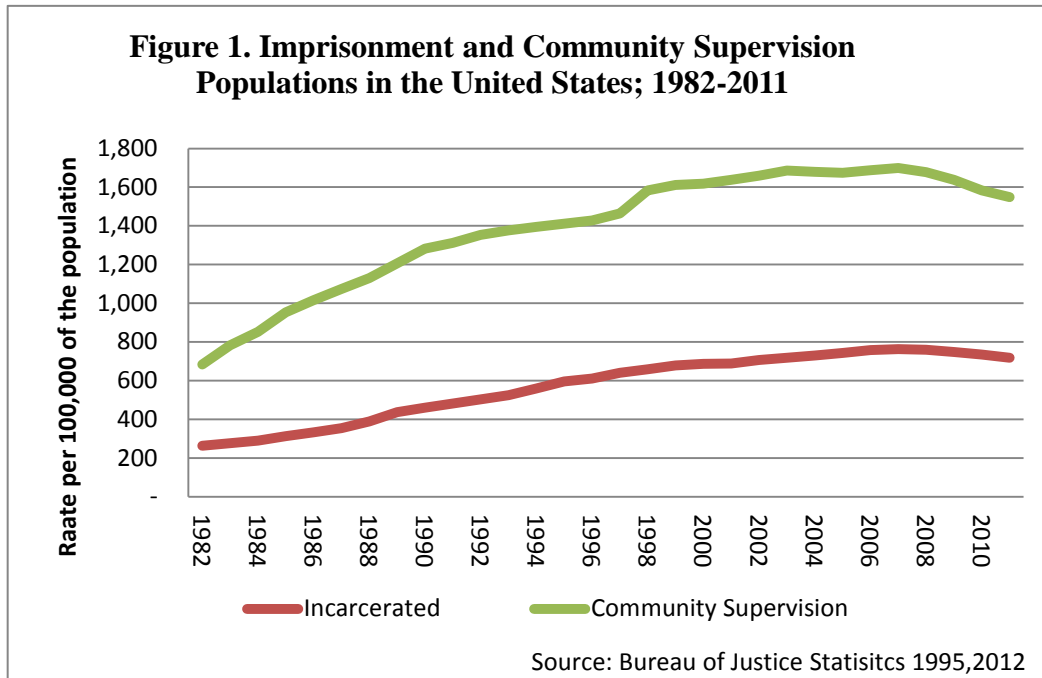
        To begin, this paper looks at the growth of the criminal justice system in recent decades. From here, I examine the effects that criminal justice workers such as police can have on

individuals. The ideas of policy feedback and learning are explored because these ideas are crucial to understanding and explaining a link between the criminal justice system and political participation. Next, I provide an overview of previous work on the relationship between criminal justice interaction political participation. Finally, I present and analyze the research and data developed for this study.

BACKGROUND

The criminal justice system's reach has increased in recent decades. This increase has been well documented, as prison populations in the United States are growing exponentially. The number of incarcerated persons in the United States has increased from 757,409 prisoners in state, federal, or local jail institutions in 1980, to 2,220,300 prisoners in similar institutions in 2013 (Bureau of Justice Statistics, 1981; Glaze & Kaeble, 2014). This trend has resulted in the United States having the highest incarceration rate of any country in the world, with 716 prisoners per 100,000 residents (Walmsley, World Prison Population List (Tenth Edition), 2014). The criminal justice system's control over individuals is not limited to incarceration, but also includes parole and probation. The number of persons under community supervision, parolees, and probationers has similarly increased from 2,147,570 in 1985 to 4,751,400 persons on probation or parole in 2013 (Hester, 1988; Glaze & Kaeble, 2014). This amount brings the total amount of individuals who are under the power of correctional supervision to 6,899,000, or 2,179 persons per 100,000 of the general population (Glaze & Kaeble, 2014). These numbers do not reflect the geographic concentration of people involved in the criminal justice system. The rates of prison population, parolees, and probationers vary widely from state to state and neighborhood to neighborhood. In 2013, Maine had the lowest correctional supervision rate with 980 individuals per 100,000 of the population, while Georgia had the highest rate with 8,290 individuals per 100,000 of the population (Glaze & Kaeble, 2014).

The reach of the criminal justice system is not limited to only individuals convicted of a crime.

Many citizens are affected by the criminal justice system without even being found guilty of a

crime. In 2013, the United States had the 13th highest rate of pre-trial and remand imprisonment,

with 153 prisoners per 100,000 of the general population (Walmsley, World Pre-trial/Remand

Imprisonment List, 2014). Interestingly, two entities that ranked higher than the United States

are actually U.S. territories--Guam, which has the highest rate in the world, and the U.S. Virgin

Islands. The United States also has the highest pre-trial/remand imprisonment rate among

developed nations (Walmsley, World Pre-trial/Remand Imprisonment List, 2014).   These

prisoners are individuals who are being held as suspects or are awaiting trial proceedings. They

are people who have either not been formally charged with a crime, or have not paid bail, either

by choice or circumstance, to await trial outside of prison. Typically, these individuals are held

in local jails. The number of prisoners held in local and municipal jails has increased as well. In

1985, only 256,615 prisoners were held in local jails (Gilliard, 1999). This number reflects a rate

of imprisonment of 108 prisoners per 100,000 of the general population. The number of

prisoners in jails increased subsequently, peaking in 2008 at 785,533, and has since declined to

731,208 in 2013, representing a rate of 231 per 100,000, or double the rate in 1985 (Glaze &

Kaeble, 2014).   Figure 1 shows the overall trend in imprisonment rates since 1982. It includes

local, state, and federal prisoners , and those under community supervision, which includes

parole and probation. Prior to 1980s, the imprisonment rate in the United States did not rise

above 150 prisoners per 100,000 people. Since, however, the rate has increased rapidly to where

it currently sits (Bowie, 1982). Even with these high numbers of incarcerated persons, the actual

crime rate has not trended with imprisonment rates.

Figure 1. Imprisonment and Community Supervision Populations in the United States; 1982-2011

Source: Bureau of Justice Statisitcs 1995,2012

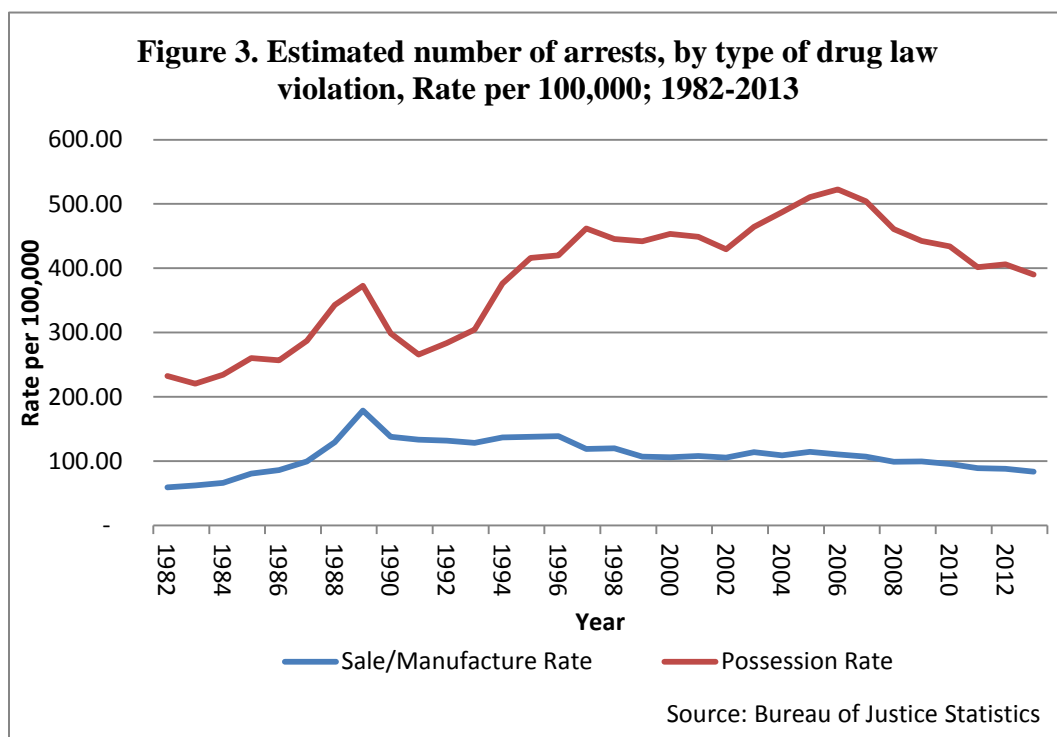While the criminal justice system has expanded, crime has been largely unaffected. Figure 2 shows the combined violent and property crime rate for the United States from 1982-2011. There is an overall decline in both of these rates. The violent crime rate in 1980 was 597 crimes per 100,000 people, while the property crime rate was 5,353 per 100,000 people (FBI Uniform Crime Report, 2000). Both the violent and property crime rates increased until the early 1991, when they peaked at their highest in United States history. Since then, both rates have declines--to 368 per 100,000 people for violent crime, and 2,731 per 100,000 people for property crimes in 2013 (FBI Uniform Crime Report, 2014). The imprisonment rate, as shown in Figure 1, did not see a similar fluctuation over this time period, but rather has steadily increased since the 1970s (Bowie, 1982; Gilliard, 1999; Glaze & Kaeble, 2014). This disparity between the imprisonment rate and the crime rate can be explained by longer sentences, mandatory minimum sentencing, and an increase in the number of crimes that can result in jail or prison time.

The 1970s saw the beginning of the "War on Drugs" which drastically changed how drug offenses were handled by the criminal justice system. The Comprehensive Drug Abuse Prevention and Control Act of 1970, signed into law by President Richard Nixon, was the first major legislation of the war on drugs. The Sentencing Reform Act of 1984 also created the National Sentencing Commission, which standardized prison sentencing guidelines. Later laws such as the Anti-Drug abuse act 1986 under Ronald Regan implemented strict mandatory minimum sentences for drug related offenses. Funding was also increased for drug enforcement efforts which combined with stricter policing practices increased the number of drug arrests,

Figure 2. Violent and Property Cirmes, United States; 1982-2011

Source: FBI Uniform Crime Report
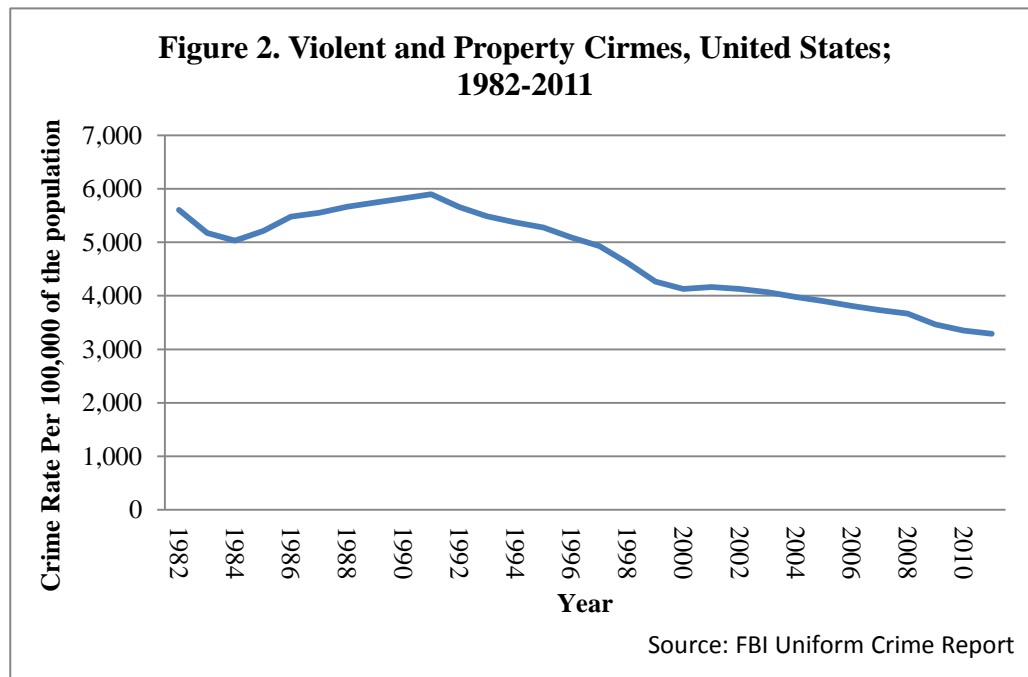
when the rate of drug use did not actually change much over this time period (Gottschalk, 2006). Figure 3 shows how the rate at which individuals are arrested for drug possession has increased independent of arrests on manufacturing or sale charges. If the drug use rate were increasing over this time period, the supply and demand would trend together. Policing tactics are important for the effect that the criminal justice system has on the public.

Figure 3. Estimated number of arrests, by type of drug law violation, Rate per 100,000; 1982-2013

Source: Bureau of Justice Statistics

Street-Level Bureaucracy

Citizens primarily experience the criminal justice system through individual interactions with criminal justice workers, including police, probation and parole officers, judges, and attorneys. These individuals exert high amounts of discretion over citizens that come into contact with the criminal justice system. Additionally, interaction with the system is often not voluntary on the part of the individual, unlike other forms of government service delivery such as entitlement programs. The difference these workers within the criminal justice system can have over individual outcomes means that the circumstances of these interactions must be examined to understand the total effect of the criminal justice system.

The low-level workers within the criminal justice system are prime examples of what are called "street-level bureaucrats." These government employees directly interact with the public

and have a high level of discretion in their jobs. Street-level bureaucrats have this high amount of discretion, and often determine how services are delivered to citizens (Lipsky, 1980). This discretion is necessary for service delivery, but can drastically change how a policy is implemented versus how it was intended to be implemented. For police officers, this discretion entails the power to impose sanctions on individuals, such as criminal charges, arrest, citations, and fines. Judges determine sentences of criminals, and prison guards exert almost total control over prisoners. Lastly, community supervision officers constantly monitor an individual's actions and make recommendations for future action. For street-level bureaucrats, it is important to have discretion to effectively provide the best possible service to the public. These positions require a high degree of flexibility. Discretion is necessary for police and the criminal justice system overall because different situations can arise that are unique, and planning for all of them is impossible given limited resources. In other cases, a police officer's ability to assess and react to a situation rapidly can be a life or death issue. Police officers need discretion so they can effectively protect the public without being restricted by red tape.

This discretion, however, comes with opportunities for abuse. The ability to discriminate affects how policing services are delivered to the general public. Within the power to arrest people, police have the discretion to not arrest people who break the law. Overlooking possible illegal behavior by some individuals while enforcing the law on others, creates tension and a perception of unfairness within the system. Similar issues arise when judges hand down differing sentences for similar crimes. However, this ability to adapt is necessary for street-level bureaucrats because of the unpredictable and unique nature of any given situation (Lipsky, 1980). In fact, one of the reasons for the increase in the incarcerated population has been the mandatory minimum sentences enacted in part to limit judicial discretion (Raphael & Stoll,

2013). Discretion of government employees impacts the true effect of public policies on individuals.

Policy Learning

Public policy itself affects how individuals decide to interact with the government and the world around them. This means that street-level bureaucratic discretion affects individual life outcomes. Positive and negative interactions with any individual aspect of the government affect an individual's view of the government and him/herself (Lipsky, 1980; Soss, 1999). Negative interactions with government agencies have been shown to affect perceptions of the government in general, not just the agency involved in the negative interaction. This idea of "policy learning" is well-documented, although only a handful of studies have been conducted to identify its role in the criminal justice system. The first major study in this field looked at how recipients of AFDC aid viewed the government. Welfare recipients' views of government, and their place in the political process, have been shown to be affected by their perceptions of the welfare agency and the workers with whom they come into contact. Joe Soss, for example, found that welfare recipients largely saw the AFDC agency and its workers as arbitrary and unchangeable (Soss, 1999). This view of their personal lack of efficacy, or ability to change the system, is similarly seen in their view of government as a whole. One welfare recipient interviewed commented: "I would expect the same sorts of treatment [as received from AFDC workers] in Congress or wherever…" indicating this generalization of personal experience to the government overall (Soss, 1999). This treatment by the welfare agency is further shown to be primarily negative, and promotes passivity in the political process (Campbell, 2003). The welfare agency is the most frequent point of contact the AFDC recipients have with any part of the government, and their view of the larger government is derived from their interaction with the welfare system.

In contrast, Social Security recipients viewed the government as responsive to their needs, because of positive interaction with the Social Security system (Soss, 1999; Campbell, 2003). When these citizens interacted with their benefit system it reacted to and accommodated their requests. Furthermore, Social Security recipients' positive interactions with the Social Security Administration translated into more positive views of government overall. In contrast to the welfare recipients, clients of Social Security observe that they "always feel like [they] have some say-so in the process" (Soss, 1999). This difference confirms earlier findings of Verba, Schlozman, and Brady (1995) that recipients of means-tested benefits had lower participation rates than recipients of non-means-tested benefits.

Additionally, examinations of the G.I. Bill after World War II have shown that recipients were 30 percent more likely than those with similar education attainment and background to participate in political activities and were involved in 50 percent more civic organizations (Mettler, 2005). Mettler argues that this is because those receiving G.I benefits viewed the government more positively, and therefore wished to participate in the political process of government. For many veterans, especially minority individuals, their use of the G.I. Bill was considered a "turning point" in their lives (Mettler, 2005). This positive view of a government program led to these men being more active in the government, with a majority of members of Congress being World War II veterans by 1960 (Gelpi & Feaver, 2002). These studies show that individuals within a society learn how to interact with their government, in part, from the actions of the government itself. For many of these programs, the actions of street-level bureaucrats were the point of reference from which larger views of government were drawn. The criminal justice system is not immune from this feedback.

Part of this difference in how the programs are constructed is also derived from how the different populations are perceived publically. Social Security recipients and veterans are constructed as "deserving" within the political arena, so the program with which they have contact is responsive to their needs. This treatment contrasts with that of recipients of the welfare program, who experienced unresponsive and arbitrary service delivery. This difference was in part due to how the different groups are constructed in the political arena. Social Security beneficiaries and veterans are viewed as deserving of the benefits they receive, while AFDC individuals are viewed as taking an undeserved handout (Soss, 1999; Campbell, 2003). This relates to the criminal justice system because the target population, criminals, is one of the most vilified populations politically. Being "tough on crime," can be a political strategy for potential candidates around the country (Gottschalk, 2006). Because of this perception, unintended consequences of criminal justice expansion are often not considered.

Negative Interactions with Criminal Justice System

The growth of the criminal justice system is not only seen in the number of persons that it has direct control over, but also the amount of contact it has with the public. Individuals come into contact with the criminal justice system through police contact, jury duty, testifying as a witness, and educational or outreach programs. Police, as prototypical street-level bureaucrats, are generally the public's most frequent points of contact with the criminal justice system. For this reason, police interactions are important for how individuals view not only the criminal justice system, but government overall. In addition to the other changes in criminal justice system, police practices have evolved over the last few decades to be more intrusive in the lives of those living in at-risk, lower income neighborhoods. The tactics and training that police use are critical to how the criminal justice system affects the public.

The "Broken Windows Theory" of policing has driven up police surveillance and involvement in the neighborhoods with the highest crime. "Broken Windows" refers to an idea that was popularized in the 1980s, which argues that minor offenses that are left unpunished lead to more serious offenses such as violent crime, and that therefore police should crack down on minor offenses to foster a more law-abiding community (Kelling & Wilson, 1982). This idea was implemented by police departments across the country through the 1980s and '90s, but has since come under scrutiny for the effect that it has had on the psyche of a community. In many cases, this extra policing was only targeted at "high crime" neighborhoods (Lerman & Weaver, 2014). The stigma of low-income, or predominately minority populated communities has been shown to drive perceptions of the threat of crime to a community (Sampson & Raudenbush, 2004). This generates a self-fulfilling prophecy concerning where crime will occur (Herbet & Brown, 2006; Sampson & Raudenbush, 2004). Furthermore, while there is evidence that increasing misdemeanor arrests trends with a decreased crime rate, causal links have not been firmly established (Cerda, et al., 2009). Additionally, the drop in crime rates in cities where broken windows policing has been implemented cannot be distinguished from the large drop in crime rates across the country over the same time period, prompting other explanations (Western, 2006; Barker, 2010). The debate surrounding police tactics generates mistrust of the police and their intentions. More stops and arrests result in a higher chance of misconduct on the part of police, which further generates mistrust of authorities. Furthermore, with more minor crimes being investigated and pursued, more innocent individuals are caught in the net of the criminal justice system.

In addition to the decisions of where to police, individual discretion of police officers also affects the communities they serve. However, discretion comes with the opportunity for

abuse of power. Police use of force has become a prominent national issue. Anecdotally, the reaction to recent high profile incidents such as the police shooting of Michael Brown in Ferguson, Missouri and the death of Eric Garner in Long Island, New York have sparked a national debate on racism and the criminal justice system. In the case of Michael Brown, the police officer used his discretion to assess the situation and determined that use of force, shooting Brown, was necessary (Apuzzo & Eckholm, 2014). With Garner, the police officer used a chokehold to subdue him, resulting in his death (Goodman & Baker, 2014). For these cases, the controversy is over whether or not the police officers were justified in using deadly force in these scenarios or whether the instances were abuses of power. And these are just some of the most recent high profile incidents.

The public's interactions with police or any portion of the criminal justice system shape how citizens view the system. If individuals view public officials as just and responsive, then they will have a more positive view of the criminal justice system. However, distrust of police has developed in many communities. Regardless of possible differences in criminal justice operations between geographical locations, individual views of the criminal justice system are largely similar across the nation. National surveys indicate that there is distrust of the criminal justice system by minority populations. For 2011 to 2013, 48 percent of nonwhite individuals responded as having "a great deal" or "quite a lot" of confidence in the criminal justice system, which was 12 percentage points less than the proportion of white individuals responding similarly (Jones, 2013). In many African-American communities, witnesses will not cooperate with police because they do not think that the police have the community's best interest at heart (Cole, 1999). In Chicago, 60 percent of residents from African-American communities fail to report for jury duty while only 8 percent of residents from White neighborhoods failed to report

(Cole, 1999). According to Standish Wills, chair of the Chicago conference on black lawyers, the problem was because "black people for a great extent, don't have a lot of faith in the criminal justice system" (Cole, 1999).

This distrust can partly be explained by the wide net cast by expanded police practices and crackdowns on minor crimes. These practices not only catch criminals, but result in numerous, often negative interactions with police by perfectly law abiding citizens. There is not great national data on this. One study of New York City in 2012 reported that of all the stops initiated by police in that year, only 11 percent resulted in arrest or summons (Dunn & LaPlante, 2012). It also found that over 50 percent of those stopped and subsequently not arrested were subject to a frisk for a weapon (Dunn & LaPlante, 2012). This large number of assumedly law-abiding citizens being stopped but not issued any kind of citation is staggering. African-Americans are stopped in greater numbers than Whites are. While African-Americans and Latinos between the ages of 14 to 24 make up only about 5 percent of the population in the United States, they accounted for over 40 percent of the total stops in 2012 (Dunn & LaPlante, 2012). Stops often include forcing citizens into humiliating positions such as lying on the ground or being handcuffed even when no charges are brought on the individual. Derogatory remarks are also frequently used by police, which exacerbates an already negative encounter (Lerman & Weaver, 2014). On top of these facts, minorities were found to have contraband confiscated at lower rates than whites, even though they were disproportionately stopped for questioning (Dunn & LaPlante, 2012; CCR, 2009). These perceptions of how police treat minorities affect citizens' views of not only the police department, but also the criminal justice system and whole government overall.

For minorities, the use of force by police is a threat. The Center for Constitutional Rights found that 80 percent of the stops made by the NYPD from 2005 to 2008 were Black and Latino individuals, but they only made up about 50 percent of the total population (CCR, 2009). This is compared to White individuals who made up 10 percent of NYPD's stops during the same time period, but were approximately 44 percent of New York City's total population (CCR, 2009). In addition, Blacks and Latinos had physical force used against them in 24 percent of stops, while physical force was used against white individuals in only 17 percent of stops (CCR, 2009). Arrest rates for all races were relatively equal at around 5 to 6 percent across the years (CCR, 2009). These figures not only indicate that minority individuals were targeted more than white individuals, but that they were more likely to have force used against them. Since arrest rates were similar for all races, this disparity indicates a racial difference in how individuals are viewed and treated by police. Minority populations feel these disparities, and subsequently are affected by them. However, conflicting research has shown no racial bias in police stops in other areas of the country. For example, police in Cincinnati were found to not initiate traffic stops based on race over a period from 2003 to 2008 (Ridgeway, 2009). Differences in policing across geographical areas are a concern for researchers attempting to make inferences about policing and public interaction with the criminal justice system based on just a few cities' or single city's data. Often, only one city is examined, as was the case in the Center for Constitutional Rights and Greg Ridgeway studies above. By looking at all Congressional Districts in the United States, this study attempts to overcome this obstacle.

Group perception by the general public affects policing interactions as well. The rise in police stops has resulted in individuals being stopped on low suspicion of actual criminal activity. The Supreme Court sets the bar for police at the level of "reasonable suspicion" (Terry

v. Ohio, 1968). In practice, reasonable suspicion translates to: "walking in a high crime area," "fitting the description," and "furtive movements," among other things. What this means is that almost anyone of a minority race or ethnicity in or near "high crime" areas can be stopped and questioned by the police (Lerman & Weaver, 2014). These constructions of the populations that live in low income neighborhoods result in more police interaction and harassment of law abiding citizens (Schneider & Ingram, 1993). Interactions based on reasons that are seen as unfair result in a citizenry that feels persecuted for its appearance or place of residence rather than a truly reasonable suspicion of wrongdoing. In addition, the image constructed of residents in low income neighborhoods makes it easy for police and politicians to justify such tactics to the general population.

Disenfranchisement

The debate surrounding felon disenfranchisement is not the focus of this study, but it is related because of its relationship to the criminal justice system's effect on citizens' ability to participate in government. Felon disenfranchisement also has been shown to effect non-felons' political participation rates (Burch, 2013). In all but two American states, citizens that commit felonies lose the right to vote, and their ability to regain it varies by state. In addition, felons are also excluded in many states from other civil and political actions such as serving on a jury, and holding political office. The differences in states' policies on the issue are evidence of the lack of consensus on what rights the convicted should retain. Proponents argue that having committed an especially heinous crime, the felony offender has broken the social contract, and therefore, gives up their right to participate in the decision making process of the state (Ewald, 2002). Opponents argue that the disproportionate representation of minorities in the felon population means that their disenfranchisement is actually a form of institutional racism, even if unintentional. Observers note that the stigma associated with criminality has effectively taken

away any civil right progress made for African-American men in the United States (Western, 2006). Furthermore, disenfranchisement has been shown to demotivate political participation in neighborhoods with high rates of imprisonment and community supervision (Burch, 2013). This has also been shown possibly to affect election outcomes (Miles, 2004). However, opposing arguments have been made that these individuals do not vote in large numbers regardless, so the fact that these issues may depress voter turnout marginally have little effect on elections (Uggen & Manza, 2002). One issue with studies examining these effects is that many of the socioeconomic and demographic factors at play trend with both political participation and criminal activity, so isolating a single variable as a causal force is difficult.

Specific Studies on the Criminal Justice System and Political Participation

In addition to the previously mentioned issues related to the policing of low income neighborhoods, these circumstances disproportionally affect minority populations due to their likelihood of having lower income. Researchers have shown, however, that holding factors such as socio-economic factors and age constant, African-Americans are targeted more than their white counterparts of similar circumstance (Lerman & Weaver, 2014). These results indicate that minority interactions with police are not simply results of their circumstance of life, but rather a result of underlying racial perceptions. When minority populations feel victimized in this way, it decreases their faith in the system and the government overall.

Recently, studies have built on the idea that the government indirectly affects political participation by examining the role of the criminal justice system in shaping views of government as a whole. Weaver and Lerman examine this topic in depth by conducting qualitative surveys of individuals in three cities, and analyzing national quantitative date. They find that residents of areas with high criminal justice contact are more likely to be voluntarily removed from the political process, and view the government as something over which they can

have no effect (Lerman & Weaver, 2014). In these areas, the criminal justice system is so

pervasive that individuals who have not had direct contact with it have similar negative

perceptions of government (Lerman & Weaver, 2014). These findings support the quantitative

data that Weaver and Lerman also examine in order to find more general trends beyond the three

cities they specifically study. They find that the level of criminal justice contact had an effect

on likelihood of voting for individuals in two national surveys--the Fragile Families and Child

Wellbeing survey and the National Longitudinal study of Adolescent Health (Lerman & Weaver,

2014). The seriousness of past contact with police, from a routine stop to serving serious time,

depressed the likelihood that an individual would vote as the level of contact became more

serious, even after controlling for other variables. Another study conducted by Traci Burch looks

at how felon disenfranchisement, specifically, affects the participation of the non-disenfranchised

population, finding a negative relationship (Burch, 2013). Marc Mauer also looked at felons and

the effect on the non-felon community, and concluded similarly (Mauer, 2006). These studies

suggest that there is likely a link between how the criminal justice system treats the populations

that it targets and how others in the community are affected.

Factors Driving Political Participation

Many factors drive political participation, so attempting to isolate the criminal justice

system as having an effect can be difficult. This paper uses voter turnout as the primary method

of assessing political participation because past studies have shown the criminal justice system

having mixed effects on turnout. Most agree that criminal justice contact negatively affects

political efficacy and community stability, and may in turn reduce political participation (Burch,

2013; Lerman & Weaver, 2014). One issue with trying to disentangle the relationship between

voter turnout and criminal justice contact is that many variables seem to correlate with and

predict both. For example, socioeconomic status has been shown to influence voter turnout, and

lower-income neighborhoods also have higher crime rates (Blais & Dobrzynska, 1998; Lawless & Fox, 2001; Lerman & Weaver, 2014). Education correlates with voter turnout, and prisoners typically have less education than non-prisoners (Harlow, 2003; Timpone, 1998) Young people are more likely to have contact with police, but are also less likely to vote (Timpone, 1998; Lerman & Weaver, 2014). However, previous research has indicated that there is likely a link between criminal justice contact and lower political participation (Mauer, 2006; Burch, 2013; Lerman & Weaver, 2014). This study seeks to look past select cities as most previous research has concentrated on and dig into whether there is a national trend at the congressional district level. Furthermore, some studies looking into criminal justice interaction and political participation have found some evidence that it can promote participation. Interestingly, Burch found that at low amounts of criminal justice interaction, political participation actually increases with criminal justice contact, but after a point that level decreases (Burch, 2013). Similarly, another study found that when a person has a close friend or family member affected by the criminal justice system, this increases political participation (Walker, 2014). This conflict with other research seems to be able to be reconciled by arguing that when the criminal justice system's impact is close and salient, then a person becomes more mobilized, but as the criminal justice system becomes a major factor in the life of the community the opposite becomes true. This study goes above the neighborhood level typically studied for this topic and seeks to answer if these trends are can be seen on a broader and nation-wide scale.

DATA

This study examines whether or not the criminal justice system affects political participation. The level of analysis is the Congressional District. Election and demographic data is available for all congressional districts, allowing this study to examine the possible presence of a nationwide trend. Here I study the 2010 midterm election. This is because adequate data for

prison populations is only available through the decennial census, so the most recent, the 2010

Census, was chosen. The data sources used were the Federal Election Commission's official

publication of ballots cast in the 2010 elections, the 2010 Census, the American Community

Survey, and the Sentencing Project's data on state-level disenfranchised individuals (FEC 2011,

U.S. Census 2010; American Community Survey 2010; Sentencing Project 2012). Other figures

were calculated based on numbers found in these sources. My hypothesis is that the local

correctional population, after controlling for other associated variables, will have a statistically

significant negative relationship with voter turnout, for at least the 90% confidence level. The

null hypothesis is that the local correctional population has no effect on voter turnout. A linear

regression analysis of the variables, including control and dummy variables, was used to test my

hypothesis.

Voter Turnout

For this analysis voter turnout data was calculated from the ballot counts published by the

House of Representatives. This ballot count was combined with census data on the voting age

population in order to calculate the voter turnout for each congressional district. Only ballots

cast in each district's House of Representatives race were used. There were three districts where

the only candidate ran unopposed.[1] These districts were excluded from this analysis as there was

no ballot count recorded. The calculated turnout rate was then used as the dependent variable.

Census Data

Since the 2010 census was used, there is a wealth of demographic information available

at the congressional district level. The primary independent variable is the number of persons in

a local jail or correctional facility in the district. The census breaks the total population

institutionalized in correctional facilities into federal, state, and local jurisdictions, then further,

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[1] The districts were: Florida's 21st, Louisiana's 7th, and Oklahoma's 4th congressional districts.

by type of institution. For local correctional facilities, jails and residential facilities are identified as possible options. The sum of these two populations was used to find the total number of persons under correctional supervision at the local level. This number was then converted to a percentage of the total population above age 18. Only those above age 18 were used because juvenile institutions are reported separately. The number of persons in juvenile institutions, both correctional and non-correctional in nature, as a percentage of the population under the age of 18 was also calculated for analysis. For several congressional districts, the local jail population was 0.[2] Incarcerated populations are typically presented as a rate per 100,000 of total population, but here a percentage is used for uniformity with other variables. The final result is not altered due to this difference.

One issue that needed to be addressed in the analysis is that the determinants of voter turnout also drive crime and imprisonment rates. In order to control for this, several other variables were included in the analysis. The variables identified as possible control variables were education, age, income, race and ethnicity, and eligibility to vote. Education was calculated as a percent of persons 25 and older holding a high school diploma or equivalent. Education data was available through the census. Age was controlled for based on the youth population of the district. This was calculated as the percentage of the voting age population in the range of 18-25 years old. These data come from the census. Two different income variables were incorporated into the analysis. Both the median household income, as determined by household income for the preceding year, and the percent of the population below the poverty line were used as controls for income level of individuals in each congressional district. The figures for the percentage below the poverty line came from census data, while the median household income was found in the American Community Survey's 5-year estimates. The

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[2] This potential issue is discussed in depth in the Conclusion Section.

percentage below the poverty line should have been especially useful in this analysis, as low income is known to correlate to high crime rates and low voter turnout (Lawless & Fox, 2001; Lerman & Weaver, 2014). For race and ethnicity, different percentages of groups were considered as control variables, but the ratio of white individuals to the number of African-Americans and Hispanics and Latinos together proved most robust. These data for race and ethnicity was taken from the census.

A population's eligibility to vote was determined by two variables that included a number of different populations. First, non-citizens cannot vote and are included in the ineligible population. Second, the vast majority of individuals in federal and state prisons cannot vote due to the fact that they are either ineligible by law or they are located in a district or state other than their own. For these reasons, they are included in this number as well. These two populations constitute a congressional district level population that is ineligible to vote which was then analyzed as a percentage of the total population. All of this data is provided by the census. The second variable to account for ineligible populations was the Sentencing Project's available data on disenfranchised individuals. These state-level data include already mentioned populations of federal and state prisons, so they were subtracted out due to more specific congressional district level data on those populations. The other individuals included in the disenfranchised population at the state level are individuals on probation, parole, and ex-convicts who are disenfranchised. These figures depend on the state's policies. Unfortunately, these data are not available on a level more localized than to the state, but the state's overall nature can be used as a proxy indicator.

Results

The variables were calculated for each congressional district in 2010, then correlation and regression analysis was performed on voter turnout and the various possible predictors. As indicated previously, the three districts with an uncontested race were excluded. Additionally, there were 17 districts without any local correctional population. These districts were excluded in the following analysis because the reasons for absolutely no correctional population are not related to the demographic characteristics of the districts. The regression model with these cases included is reported in Appendix A for comparison, but they have been excluded here.[3] This brings the total N of the sample to 415. For this analysis, the lowest possible p-value that statistical significance will be reported at will be the 90% confidence interval.

Table 1. Correlation Results for Voter Turnout and
Possible Predictors

	Pearson Correlation	N
House Rep Turnout	1	415
Percent Local Corrections	-.227[**]	415
White-Minority Ratio	.460[**]	415
State's Percent Disenfranchised	-.160[**]	415
Percent Holding HS Diploma or Equivalent	.724[**]	415
Percent Ineligible Voters	-.606[**]	415
Percent 18-25yrs old	-.379[**]	415
Median Household Income	.273[**]	415
Percent in Poverty	-.510[**]	415

**. Correlation is significant at the 0.01 level (2-tailed).

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[3]The cause of a correctional population of 0 can be attributed to how congressional districts are drawn and local administrative decisions. If the area has a high density population such as a large city, then some districts may be smaller than the service area of local jails. Some localities are also opting to contract out jail service to nearby counties and municipalities. Due to lack of knowledge as to why any given district has a local correctional population of 0, districts with that characteristic are excluded.

Table 1 reports the results of the correlation analysis. Pearson's r was used to calculate correlation. All of the possible predictors correlated with voter turnout (House Rep Turnout). All of the predictors had statistically significant correlations with voter turnout at the 99 percent confidence level. The percentage of individuals below the poverty line (Percent in Poverty), the percentage of youth (Percent 18-25yrs Old), the percent of individuals ineligible to voter (Percent Ineligible Voters), the percent of the adult population in local correctional facilities (Local Correctional Population), and the state's percentage of disenfranchised individuals (State's Percent Disenfranchised) all negatively correlated with voter turnout. The ratio of white residents to minority residents (White-Minority Ratio), the percentage of individuals with at least a high school diploma or equivalent (Percent Holding HS Diploma or Equivalent), and the median household income (Median Household Income) all correlated positively with voter turnout. The strongest negative correlation was seen in the percentage ineligible to vote. The strongest positive correlation was seen in the percentage with at least a high school diploma. Specifically, the percentage of individuals in a local correctional facility is weakly, negatively correlated with voter turnout.

Tables 2 and 3 report the results of multiple regression analysis of the possible independent variables on voter turnout. The regression model with all of the predictors included produced an R^2 value of 0.614 and was statistically significant at the 99.9 percent confidence interval as determined by an F-ratio test. Table 3 reports the individual results of each predictor. Three variables, the White-Minority ratio, the percentage holding a high school degree or higher, and the percentage of ineligible voters, were significant at greater than the 99.9 percent confidence interval. A state's overall percentage of disenfranchised individuals in the community was statistically significant at the 95 percent confidence interval. The percentage of

Table 2. Multiple Regression on Voter Turnout Model

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	F
1	.784	0.614	0.606	5.05%	80.702***

*** Significant at the 99.9% Confidence level ($p \leq 0.001$)

Table 3. Coefficient Results of Multiple Regression on Voter Turnout

Variable	Unstandardized Coefficients		Standardized Coefficients		
	B	Std. Error	Beta	t	p-value
(Constant)	-12.614	8.144		-1.549	0.122
White-Minority Ratio***	0.228	0.048	0.181	4.726	3.16E-06
Percent Local Corrections	0.142	1.145	0.004	0.124	0.902
State's Percent Disenfranchised**[5]	-0.237	0.101	-0.078	-2.339	0.020
Percent Holding HS Diploma or Equivalent***	0.601	0.081	0.492	7.447	5.76E-13
Percent in Poverty	0.104	0.119	0.071	0.877	0.381
Percent 18-25yrs old*[4]	-0.248	0.134	-0.072	-1.845	0.066
Percent Ineligible Voters***	-0.336	0.075	-0.244	-4.463	1.05E-05
Median Household Income	5.00E-05	4.17E-05	0.087	1.199	0.231

Dependent Variable: House Rep Turnout

*** Significant at the 99.9% confidence level ($p \leq 0.001$)

** Significant at the 95% confidence level ($p \leq 0.05$)

* Significant at the 90% confidence level ($p \leq 0.1$)

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[4] The significances of Percent 18-25yrs old and the State's Percent Disenfranchised are the major differences between including the cases with no local correctional population or not. When those with no local correctional population are included the p-value of Percent 18-25yrs old increases to 0.172 and the p-value of State's Percent Disenfranchised increases to0.021, and the variables become statistically insignificant at the 90% confidence level.

18-25yr olds relative to the total adult population was a significant predictor at the 90 percent confidence interval. A district's median household income, the percentage of individuals in poverty, and the percent of the population in local correctional facilities all were not significant at the 90 percent confidence interval. The percentage of individuals in local correctional facilities is not even above a 50 percent confidence interval. In addition, the coefficient of the percent of the population in local correctional facilities is positive, while the correlation result was negative. However, it was not a statistically significant value, so that provides little explanatory information.

ANALYSIS

The hypothesis that the local correctional population would have an effect on voter turnout at the district level was not supported. In the regression model, the percentage of the local population in local corrections facilities had a p-value of 0.901, and therefore was not statistically significant. Regressing the local correctional percentage on voter turnout by itself resulted in a statistically significant regression. The difference once other variables are introduced indicates that other factors are influencing voter turnout more than simply the local correctional population. Furthermore, since many of these variables correlate with the local correctional population, in addition to voter turnout, the issue of collinearity could be influencing the model. This could also mean that the local correctional population and the other variables reflect the same underlying factors. Unfortunately, total criminal justice contact statistics, which would be ideal for this study, are not available at the congressional district level. Local correctional population was used as a proxy to this desired measure, but it was not found to be statistically significant. Either criminal justice contact has no effect on voter turnout, or the

variable used was not sufficient in acting as a representative. Given previous work on the criminal justice system and political participation, the latter option is likely more correct.

A related variable, the state's overall disenfranchised population, was statistically significant in predicting voter turnout. With a p-value of 0.02, the state's disenfranchisement rate was predictive of voter turnout at above the 95 percent confidence interval. The fact that this measure was significant while local jail population was not is interesting. This rate as reported only included those individuals in the community who were disenfranchised. Being the population most affected by the criminal justice system within the community means that this variable is a good measure of what effect the criminal justice system has on the general public. However, due to this data being at the state level, not much can be inferred about the localized outcomes due to the criminal justice system. This result could be because having more individuals who have gone through the criminal justice system reduces turnout either by their lack of legal voting rights or because it has an effect on the general public. This finding could also be unrelated and simply signal that there are inherent differences between states in the factors that drive voter turnout. If this kind of data were available at the district level, it could be even more informative.

Another variable related to the criminal justice system is the percent of ineligible voters. This factor was also a statistically significant predictor of voter turnout within the model at the 99.9 percent confidence level. This is as expected due to the fact that non-citizens cannot vote but are counted within the voting age population. Additionally, the prison populations included are not able to vote because they are either not actually located in their home district or their voting rights are restricted by law. If the voting eligible population was to be used instead of the voting age population, then these two populations would be included in the excess voting age

population. The voting eligible population was unable to be calculated with this data due to the

fact that aggregate data on individuals' ages within these populations is not available at the

congressional district level. These results are expected and not much information can be inferred

from them at the district level. They indicate that overall the presence of these populations is

something that should be accounted for when determining representation levels such as in the

redistricting process, which they are not currently. The presence of populations that cannot vote

that the individuals in districts with a high percentage of these populations have a more powerful

vote because there are less legal voters in the district than the number of allocated representatives

would suggest.

Three variables with no direct relationship to the criminal justice system were also found

to be statistically significant. The variable with the largest magnitude coefficient was the

educational attainment variable. The percentage of the population having at least a high school

diploma or equivalent was a statistically significant factor in the regression. With a coefficient

of 0.601, for a 1 percentage point increase in the population having at least a high school

diploma, voter turnout is expected to increase by 0.601 percentage points, on average. This

would support the idea that education gives a person the skills and resources that allow them to

be more politically active. The calculated ratio of white individuals to minority individuals was

also found to be statistically significant at the 99.9 percent confidence level. This factor serves

as a catch all for race related disparities within the population. Since it is a ratio, the actual

percent of a population being white predicts voter turnout on a logarithmic scale. Lastly, the

percent of the population being 18-25 years of age was also a statistically significant predictor at

greater than the 90 percent confidence level. This follows past research that young people tend

to vote less than older individuals, so districts with more young people should see a lower overall

turnout. This also possibly accounts for part of the variability predicted by the local jail population as young people are more likely to come into contact with the criminal justice system. Finally, income as measured by poverty level and median household income was not a statistically significant predictor of voter turnout.

Once all of these factors were accounted for the local correctional population was not statistically significant in predicting voter turnout. For this case, the conclusion is to fail to reject the null hypothesis. It is likely that the factors that drive criminal justice contact are accounted for in the other factors such as education and race. More specific data, such as crime or arrest rates, on criminal justice activity on a congressional district level would have possibly produced a different result because local correctional population does not encompass all of the ways in which the criminal justice system interacts with individuals in the community.

CONCLUSION

Unfortunately, the hypothesis that the local jail population would be seen to affect political participation was not supported. However, other factors that have previously been shown to affect voter turnout were reaffirmed here. One issue with performing this analysis is how the census calculates the population of those imprisoned. For prisoners, the jail or prison they are held in is counted as their residence for purposes of the census. This is an issue when studies are performed on incarcerated populations because a link between the imprisoned population and the community at large is difficult to determine. This study attempted to account for this issue by only using the local correctional population because those individuals should be local to the community in which their facility is located. However, if criminal justice contact does have an effect on a community's political participation, this was not shown to be a sufficient corollary to use. If prisoners were counted in the census by last place of residence or the locality where they were taken into custody, then that measure would provide a more

accurate representation of criminal justice contact overall. This would also allow state and federal prison populations to be used because the differences in local communities would be able to be determined. In doing so, the full effect of the criminal justice system overall could be examined. In addition, the issue of some local correctional populations being 0 would be solved because even if a local government contracts out its jail management to other entities, or the geographic area examined is smaller than the service area for the nearest correctional facility, the community affected by the criminal justice intervention would still be available.

Further research could examine this possible connection more. There may be better ways to get at local criminal justice contact than simply looking at the local jail population. A more robust analysis could gather quantitative and qualitative data from a wide range of cities, including different sizes and backgrounds, in order to better unravel what effect the criminal justice system is having on a local population. The census tracking prisoners by where they are from, and not where they end up would also help in analyses on this subject. Regardless of methods of analysis, the criminal justice system has grown larger and more intrusive in citizens' lives, and analyzing what affects this new force has on citizens' decisions and life outcomes is important for a democratic society.

Appendix A: Results including Local Correctional Populations of 0

Correlation Results for Voter Turnout and Possible Predictors

Variable	Pearson Correlation	N
House Rep Turnout	1	432
Percent Local Corrections	-.169**	432
White-Minority Ratio	.467**	432
State's Percent Disenfranchised	-.137**	432
Percent Holding HS Diploma or Equivalent	.720**	432
Percent Ineligible Voters	-.639**	432
Percent 18-25yrs old	-.362**	432
Median Household Income	.257**	432
Percent in Poverty	-.499**	432

**. Correlation is significant at the 0.01 level (2-tailed).

Regression Model

Variable	Unstandardized Coefficients		Standardized Coefficients		
	B	Std. Error	Beta	t	p-value
(Constant)	-8.804	8.041		-1.095	.274
White-Minority Ratio	.221***	.048	.170	4.572	6.36E-06
Percent Local Corrections	.627	1.132	.019	.554	.580
State's Percent Disenfranchised	-.233	.100	-.075	-2.325	.021
Percent Holding HS Diploma or Equivalent	.557***	.079	.449	7.062	6.78E-12
Percent in Poverty	.060	.117	.040	.517	.605
Percent 18-25yrs old	-.184	.134	-.052	-1.369	.172
Percent Ineligible Voters	-.410***	.071	-.302	-5.757	1.65E-08
Median Household Income	4.974E-05	.000	.084	1.228	.220
Dependent Variable: House Rep Turnout *** Significant at the 99.9% confidence level (p $\leq$ 0.001)					

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