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Women Who Never Give Up

Luis Del Orbe, member-at-large

Jean Ross, Esq., member-at-large

August 19, 2016

Ms. Karen Humes
Chief, Population Division
POP.2020.Residence.Rule@census.gov

Dear Ms. Humes:

The N.J. Integrated Justice Alliance submits this comment in response to the Census Bureau's Federal Register Notice regarding the Residence Rule and Residence Situations, 81 FR 42577 (June 30, 2016). The Bureau's proposal to continue counting incarcerated people at the particular facility that they happen to be located at on Census Day, ignores the transient and temporary nature of incarceration. If made final, this proposal would mean another decade of decisions based on a Census that tallies incarcerated people in the wrong place.

The IJA is a coalition of organizations and individuals working to improve public policies regarding prisoner reentry, and penal and criminal justice reform.

Counting incarcerated people as if they were residents of the facility where they happen to be located on Census Day doesn't reflect the lived reality of our communities. The Bureau already tallies students in boarding schools at their home address even if they spend most of their time at the school. The same approach should be taken when computing incarcerated individuals.

The Census Bureau should honor the overwhelming consensus urging a change in the Census count for incarcerated persons. When the Bureau asked for public comment on its residence rules last year, 96% of the comments regarding residence rules for incarcerated people urged the Bureau to count incarcerated individuals at their home address, which is almost always their legal address. This level of consensus among stakeholders, which is based on a thorough understanding of the realities of modern incarceration, deserves far more consideration than it was given.

American demographics and living situations have changed drastically in the two centuries since the first Census, and the Census itself has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. The country's enormous prison population mandates the bureau to adapt once again.

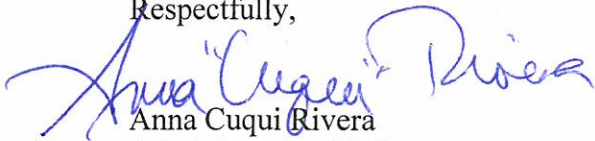
By designating a lock up facility as a residence in the 2010 Census, the Bureau concentrated a population that is disproportionately male, urban, and minority in to just a few thousand Census blocks that are located far from the actual homes of incarcerated persons. When this data is used for redistricting, it artificially inflates the political power of the areas where the jails are situated and dilutes the political power of all other urban and rural areas without large prisons.

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Four states and over 200 individual counties and municipalities adjust Census population figures to avoid prison gerrymandering when drawing their districts. Acknowledging the need to correct its own data to keep clear of prison gerrymandering, the Bureau has proposed helping states with the population adjustment. However, this ad hoc approach is neither efficient nor universally implementable. Massachusetts legislators, by way of example, have already expressed concerns about that state's ability to use alternative data in their 2015 comment to the Bureau (comment numbered c 161).

Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to adopt the residence rule that identifies everyone in the correct place. My coalition believes that in order to produce an accurate 2020 Census, the Bureau must count incarcerated individuals at home.

Respectfully,

A handwritten signature in blue ink that reads "Anna Cuqui Rivera". The signature is fluid and cursive, with the first name being the most prominent.

Anna Cuqui Rivera
Administrative Chair

A handwritten signature in blue ink that reads "Edward Martone". The signature is cursive and includes a circled "E" at the end.

Edward Martone
Legislative Chair