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August 31, 2016

Karen Humes, Chief, Population Division  
U.S. Census Bureau, Room 5H174  
Washington, DC 20233

Dear Karen Humes,

I am writing in response to your proposed rules for counting incarcerated people:  
<https://www.federalregister.gov/articles/2016/06/30/2016-15372/proposed-2020-census-residence-criteria-and-residence-situations>.

I am writing to express the professional opinion that prisoners are more appropriately counted at the residence they had prior to incarceration. First, jail inmates rarely are incarcerated for more than a few months, and their stay in jail is obviously temporary. There is absolutely no justifiable reason except simple convenience for counting them in jail instead of determining their usual residence.

Those incarcerated in state or federal prisons are a more complex group, as there are obviously a group of people whose sentences will keep them in prison for decades. However, even these people are often moved between facilities.

Moreover, many people in state prisons are there for very short stays. I have done a great deal of analysis of older National Corrections Reporting Program data and some analysis of more recent data. I know that different states have had different experiences with sending people to prison, but since the late 1980s, a significant fraction of people incarcerated in state prisons have been sent there on relatively short sentences for crimes that previously would not have resulted in a prison sentence at all. In addition, a growing fraction of people enter prison not on a new sentence, but on a revocation for violating the terms of parole. These people are often reincarcerated for relatively short periods and cycle in and out of prison. To claim that their “usual” place of residence is the prison is entirely unreasonable.

Although I have not had the opportunity to do a detailed study of the matter, I ran a few tables from the new release of the National Corrections Reporting Program data to investigate how long state prisoners have been in prison. In one analysis, I examined the time between admission and release for that who had been released. Using the public release of NCRP for 2000-2014, I ran

the table for time in prison for those who have been incarcerated at any time 2000-2014; 56% of prisoners had been in prison less than 1 year at the time of release. Another snapshot comes from the “in prison” public file, using the variable “time served at year end:” 34% of the inmates had been in state prison less than a year at the end of the year. To reiterate, although some prisoners are prisons for decades, for a majority, the time in prison is short.

Further, when they get out of prison, they go back to the communities they were in at the time of arrest, not to the community that happens to be where the prison is. In all meaningful senses, the majority of prisoners “belong” to the communities they came from, not to the communities where they are imprisoned. Most prisoners have family members who spend money for telephone calls and visits and contributions to commissary accounts to support their incarcerated relatives.

Counting prisoners where they are incarcerated has perverse and damaging social consequences. It gives unfair political representation to rural communities that house prisons. It underestimates the sizes of poor Black urban populations and produces distorted statistical pictures of rural places. As I noted in my comment on this subject last year, I calculate that there are seven Wisconsin counties in which incarcerated people are 3.2%-6.4% of the county’s total enumerated population, and there are 10 (of 72) counties in which a majority of the county’s enumerated Black population is incarcerated and another six where 25-50% of enumerated Blacks are incarcerated.

Because all the weight of reason and evidence is on the side of enumerating prisoners at their usual residence, not where they are incarcerated, I am assuming that the major considerations in changing the rule are precedent, comparability with prior enumerations, convenience and cost. Providing a supplemental report of group quarters residences whose usual residence is deemed to be elsewhere would seem a preferable response to the problem of backward compatibility with prior censuses than to continue what is manifestly an unreasonable practice on all other grounds.

Yours very truly,

A handwritten signature in cursive script that reads "Pamela E. Oliver".

Pamela E. Oliver  
Conway-Bascom Professor