



American Friends Service Committee

Tucson Office

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

July 29, 2016

Dear Karen Humes,

American Friends Service Committee- Arizona (AFSC Arizona) respectfully 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). This proposal to continue to incorrectly count all incarcerated people as permanent residents of a correctional facility is not only discriminatory but also creates unequal representation.

AFSC Arizona, a non-profit organization working for justice and human rights, has been central to promoting a reconciliation and healing approach to criminal justice issues. The leading organization in Arizona on criminal justice issues, AFSC combines advocacy for incarcerated people and their families with statewide policy change to document and improve prison conditions while working to reduce the number of people incarcerated in Arizona. In short, because of our strong commitment to change conditions for incarcerated people, their families, and their communities, we stand in strong opposition to the Bureau's proposal.

AFSC Arizona believes the proposal is discriminatory.

According to the definition of "usual residence," the Census Bureau claims a person resides where he/she "eats and sleeps most of the time."

The average length of stay for an inmate in Arizona is 25 months¹. Twenty-five months does not necessarily equal a permanent residence. In those same 25 months, a student might be eating and sleeping at an out-of-state university. A member of the military could also be eating and sleeping on a military base. A young person participating in civil service projects might be eating and sleeping in various states throughout the country. However, these specific situations allow for certain persons to claim their home as their "usual residence" for the Census.

We believe a person in a correctional facility should also be allowed to follow that rule. If the purpose of a Census is to collect accurate data, we must allow *everyone* to use their regular home address, regardless of where they are staying, on Census Day.

This proposal is also discriminatory because it reduces the accuracy of the data about communities of color. As of 2010, the majority of all prisoners in Arizona's correctional facilities are Latino² and African-Americans make up the majority of persons in all areas of the criminal justice system in Arizona³. Statistics show that African-American and Latinos are disproportionately incarcerated, so inaccurately counting them at a correctional facility as their "usual residence," is a disservice to African-American and Latino communities.

¹ https://csgjusticecenter.org/wp-content/uploads/2012/12/Arizona_1-pager_v4.pdf

² <http://www.prisonpolicy.org/profiles/AZ.html>

³ <http://www.prisonpolicy.org/profiles/AZ.html>

AFSC Arizona believes the proposal creates unequal representation.

Arizona has the 6th highest incarceration rate in the nation. Here, the majority of correctional facilities, 13 of 16, are located in rural communities. However, 60 percent of people admitted to prison in Arizona live in the Phoenix-Mesa area⁴. Rural communities suffer under the current counting rules because local districting plans were distorted by incarcerated populations that have no real nexus to the locations where they are counted as residents.

This, in effect, is population distortion and prison-based gerrymandering. While the practice of political gerrymandering is frowned upon because of its possible violations of the Constitution and, to a lesser extent, the Voting Rights Act, the practice of prison based gerrymandering is often overlooked. An equal representation of population is one of the criterion state use to draw their political boundaries. However, for those districts with an unusually high prison population, this process does not allow for equal representation of thousands of citizens who are inaccurately counted.

Prison-based gerrymandering allows for a misrepresentation of a state or local government's true constituency. The principle of "one person, one vote" is severely skewed when states and municipalities are forced to use census data. We diminish our ideal of representative democracy when we count thousands of mostly urban, minority people in correctional facilities that is not their primary residence.

Both of these issues are prevalent in one Arizona county where the majority of correctional facilities exist: Pinal County. A largely rural county south of the Phoenix metro area and north of the Tucson metro area, Pinal County has become a haven for both state and federal, public and private institutions. According to the Census Bureau, Pinal County's population as of July 1, 2015 was 375,770⁵. With 6.7% of that population categorized as "population in correctional facilities for adults⁶."

However, according to The Justice Mapping Center, the majority of all incarcerated persons come from one community of the Phoenix metro area: Maryvale⁷. The Justice Mapping Center report was written in 2006, but as of today, Maryvale's economy remains stagnant with high unemployment rates and high school dropout rate. Maryvale is one of the old Mexican communities of Phoenix; and has remained primarily low-income, Latino, and working class. The general population of Pinal County does not in any way reflect the community of Maryvale. It is blatant discrimination towards the community of Maryvale to not allow their residents to be counted in their permanent residence, and needs to be rectified immediately.

In an era where a high amount of the population is incarcerated, the current Residence Rule and Residence Situations policy is clearly outdated. The Census Bureau must accommodate the policy to address the inconsistencies and disparities this Rule creates. The change must happen before the 2020 Census so it can accurately and democratically count *everyone*.

When the Bureau accepted public comments on Residence Rules, an overwhelming 96% of the comments regarding Residence Rules stated that incarcerated persons should be counted at their home address. AFSC Arizona understands the reality of the effects incarceration has

⁴ https://csgjusticecenter.org/wp-content/uploads/2012/12/Arizona_1-pager_v4.pdf

⁵ <http://www.census.gov/quickfacts/table/PST045215/04021>

⁶

http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_SF2_PCO3&prodType=table

⁷ <http://www.justicemapping.org/>

on communities, families and individuals. Therefore, we encourage the Census Bureau to honor the appeal for equality that was evident in 96% of public comments.

AFSC Arizona appreciates the opportunity to submit these comments. We strongly believe that in order to produce an accurate Census, the Bureau must count incarcerated people in the right place: at home.

Sincerely,

American Friends Service Committee-Arizona