



Californians United for a Responsible Budget

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Dear Karen Humes,

Californians United for a Responsible Budget 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 will mean another decade of decisions based on a Census that counts incarcerated people in the wrong place.

CURB is a statewide coalition of more than 70 grassroots organizations working to stop prison and jail expansion, decrease incarceration, and invest in the social safety net in California. As advocates for decarceration, state spending on prisons and jails, and uplifting those affected by incarceration, we oppose prison gerrymandering.

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 counts 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 counting incarcerated people.

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 percent of the comments regarding residence rules for incarcerated persons urged the Bureau to count incarcerated persons 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.

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

By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just a few thousand Census blocks that are located far from the actual homes of incarcerated people. When this data is used for redistricting, it artificially inflates the political power of the areas where the prisons are located and dilutes the political power of all other urban and rural areas without large prisons.

Four states and over 200 individual counties and municipalities adjust Census population data to avoid prison gerrymandering when drawing their districts. Acknowledging the need to correct its own data to avoid prison gerrymandering, the Bureau has proposed to help states with the population adjustment. But this ad hoc approach is neither efficient nor universally implementable. Massachusetts legislators, for example, have already expressed concerns about that state's ability to use alternative data in their 2015 comment to the Bureau (comment numbered c161).



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Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to follow the residence rule to count everyone in the right place. CURB believes that in order to produce an accurate 2020 Census, the Bureau must count incarcerated people at home.

Sincerely,

Lizzie Buchen and Diana Zuñiga

Co-coordinators, Californians United for a Responsible Budget