



July 29, 2016

Karen Humes
Chief, Population Division
U.S. Census Bureau, Room 6H174
Washington, DC 20233
Via Email: POP.2020.Residence.Rule@census.gov

RE: "2020 Census Residence Rule and Residence Situations;" Prisoners Should be Counted in Their Home Communities

Dear Ms. Humes:

Legal Services for Prisoners with Children 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). We strongly oppose the decision to count incarcerated people in the prison town instead of their home towns. The census is not just an accounting of people with no purpose or use for those numbers; academics, policy makers, the government, business owners, community organizers and others use these numbers as proxies to determine how many resources to allocate to certain areas, the types of development needed, and the economic viability of certain enterprises to be used. By counting people who cannot leave the prison and who continue to rely on the resources and support of their families in their home cities, as being in the prison-town, the census will be inaccurate for the actual goals it seeks to meet. This failure has racial and economic implications for low income communities of color that disproportionately support incarcerated family members without the added resources or recognition from the census upon which the government allocations of money and electoral power are based.

Founded in 1978, LSPC enjoys a long history advocating for the civil and human rights of people in prison, their loved ones, and the broader community. We believe that the escalation of tough-on-crime policies over the past three decades has not made us safer. We believe that in order to build truly safe and healthy communities we must ensure that all people have access to adequate housing, quality health care and education, healthy food, meaningful work, and the ability to fully participate in the democratic process, regardless of their involvement with the criminal justice system.

Incarcerated people are not isolated individuals. They come from families—they are mothers, fathers, sons and daughters. They have sisters and brothers. Their incarceration impacts their families. These relationships influence their lives while inside as well as their success upon release. Maintaining strong family relationships during incarceration benefits everyone. When a person is incarcerated, the family pays for the additional care and support that the incarcerated person needs. They buy the stamps, extra paper, and care packages in their communities to be mailed to the prison. Just like parents of a child in boarding school or the family of a deployed soldier. The economic benefits; use of governmental resources such as schools, libraries, or roads; and community connections are all in that person's home town, not in the prison-town. The town where the prison is does not supply those resources. Incarcerated people are not driving on the roads, going to the movies, or using local services or programs. They are trapped in a prison 24 hours a day. They are not a part of that community. Counting people away from their families because of prison makes the same amount of sense as counting people away from their families because of military deployment: none.

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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 vast majority of prisons in California are in rural, primarily white areas of the state; however, most incarcerated people are from diverse, coastal, urban areas of the state. Their families remain in those cities. Their families' support and efforts to care for them remain in those cities. The economic and civic engagement that the census counts only happens in the home communities, not in the prison town.

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% 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, because while this was a small problem before, it is now a much larger problem with much wider implications.

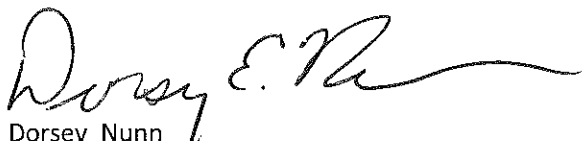
By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just a few thousand Census blocks that are located far from the actual homes of incarcerated people. When this data is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

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).

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.

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. LSPC believes that in order to produce an accurate 2020 Census, the Bureau must count incarcerated people at home.

Sincerely,


Dorsey Nunn
Executive Director


Eva DeLair
Staff Attorney