



**WASHINGTON BUREAU · NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE**  
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August 29, 2016

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

**RE: RESIDENCE RULE AND RESIDENCE SITUATIONS, 81 FR 42577**

Dear Ms. Humes,

On behalf of the NAACP, our nation's oldest, largest and most widely-recognized grassroots-based civil rights organization, I write to express our deep disappointment in the decision by the U.S. Census Bureau ("the Bureau"), made public on June 30 of this year to count incarcerated people at the particular facility that they happen to be located at on Census day. As I clearly stated in my letter of July 20, 2015, the NAACP strongly supports the Census Bureau's counting incarcerated people at their most recent residence prior to incarceration.

By designating a prison cell as a residence, the Bureau will concentrate a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of the incarcerated people. When this data is used for redistricting and other purposes, prisons artificially inflate the political power of the areas where the prisons are located and deflate the political power, and too often the very real needs, of American communities which are disproportionately urban, low income, and heavily populated by racial and ethnic minorities.

The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing dramatically as the prison population has ballooned over the last few decades, and the time to update this rule is now. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million people. But since then, the nation's incarcerated population has more than quadrupled to over two million people. The manner in which this population is counted now has huge implications for the accuracy of the Census.

The Bureau defines "usual residence" as the place where a person "eats and sleeps most of the time", but fails to follow that rule when counting incarcerated people. The majority of people incarcerated in Rhode Island, for example, spend less than 100 days in the state's correctional facilities. If the same people were instead spending 100 days in their summer residence, the Bureau would count them at their regular home address. Even students in boarding schools get counted at their home address whether or not they eat and sleep there most of the time. The Bureau continues to carve out an exception for incarcerated people and count them in the wrong place.

The Bureau's failure to update its rules regarding incarcerated persons is particularly troubling given that the Bureau decided that other populations – deployed overseas military, and juveniles staying in residential treatment centers – should be counted in their home location even if they are sleeping elsewhere on Census Day. It made these changes even though there were far fewer public comments identifying these issues as causing the magnitude of problems that the public commentary on the prison miscount highlighted.

As was described in its seminal 2015 report “The Racial Geography of Mass Incarceration,” the Prison Policy Initiative found that stark racial and ethnic disparities exist between incarcerated people and the people in the county outside the prison's walls<sup>1</sup>. The report found that the transfer of African American and Latino incarcerated people to communities very different than their own is a national problem not confined to select states. As a result, hundreds of counties have a 10-to-1 “ratio of over-representation” between incarcerated African Americans and African Americans in the surrounding county — meaning that the portion of the prison that is African American is at least 10 times larger than the portion of the surrounding county<sup>2</sup>. The report concludes by saying that “this large-scale transfer of (African American) and Latino people to areas demographically very different than their homes has even larger effects thanks to a unique quirk in the federal Census that counts incarcerated people as if they were willing residents of the county that contains the correctional facility for redistricting purposes.”<sup>3</sup>

As the Bureau strives to count everyone in their right place in keeping with changes in society and population realities, it is imperative that the changes proposed to the Residence Rule be updated. Because the NAACP believes in a population count that most accurately represents communities, and because it so acutely impacts the people and we serve and represent, we urge you to count incarcerated people as residents of their most recent home address.

Thank you again for the opportunity to comment on the Census Bureau's Proposed Residence Rule. Should you have any questions or comments on the NAACP position, please feel free to contact me at (202) 463-2940.

Sincerely,



Hilary O. Shelton  
Director, NAACP Washington Bureau &  
Senior Vice President for Policy and Advocacy

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<sup>1</sup> *The Racial Geography of Mass Incarceration*, July 2015, by Peter Wagner and Daniel Kopf, Prison Policy Initiative. Found at <http://www.prisonpolicy.org/racialgeography/report.html>

<sup>2</sup> Ibid

<sup>3</sup> Ibid.