

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/email: (808) 927-1214 / kat.caphi@gmail.com



July 6, 2015

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

By email: POP.2020.Residence.Rule@census.gov

E Welina Ms. Humes!

My name is Kat Brady and I am the Coordinator Community Alliance on Prisons. We submit this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015).

Community Alliance on Prisons urges you to count incarcerated people at their home address, rather than at the particular facility where they happen to be located on Census day.

Community Alliance on Prisons is a community initiative promoting smart justice policies in Hawai'i for more than a decade. This testimony is respectfully offered and always mindful that approximately 6,000 Hawai'i individuals are under the 'care and custody' of the Department of Public Safety, including 1,400 men who are serving their sentences abroad, thousands of miles from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

The disproportionate impact of the criminal justice system on Native Hawaiians accumulates at each stage of the criminal justice system. Native Hawaiians are also more likely to receive a sentence of incarceration over probation.¹

¹ Hawai'i State Department of Health, Office of Health Status Monitoring, special tabulation from the Hawai'i Health Survey, January 22, 2010. <http://hawaii.gov/dbedt/info/economic/databook/2008-individual/01/>; Hawai'i Criminal Justice Data Center; Office of Hawaiian Affairs, "Databook 2006: Public Safety," March 2006. www.oha.org/pdf/databook/2006/DataBook2006PublicSafety.pdf; Hawai'i Department of Public Safety, 2008 Annual Report (Honolulu, HI: Department of Public Safety, 2008). <http://hawaii.gov/psd/administration/publications/annual-reports/department-of-public-safety/PSD-AnnualReport2008.pdf>

Hawai'i contracts with Corrections Corporation of America to house more than 1,400 of our incarcerated men in Saguaro Correctional Center in Eloy, Arizona. Hawaiians are over-represented in the incarcerated population that is banished from Hawai'i.

In researching Eloy, Arizona on the web, we found that the population there has increased 63.8% since the 2000 census.

Population in 2013²: 16,996 (68% urban, 32% rural).

Population change since 2000: + 63.8%

Males: 11,038 (64.9%)

Females: 5,958 (35.1%)

The **male population has increased 64.9%**. This is not difficult to believe since Corrections Corporation of America opened **Red Rock Correctional Center in 2006** with a capacity of **1,596**; **Saguaro Correctional Center in 2007** with a capacity of 1,896 and recently increased capacity by 30 beds = **1926**); and **La Palma Correctional Center in 2008** with a capacity of **3,060**.

These three prisons added 6,582 men to the “population” of Eloy - a 59.6% increase in the male population!

The tragedy of this skewed census count is that most of Hawai'i's incarcerated individuals are not from Eloy -- or even from Arizona, for that matter.

The census count is used as the basis for many of the decisions that affect Hawaiians (Kanaka Maoli), the first people of the islands; our host culture. Counting incarcerated persons where they are involuntarily housed causes harm to Hawai'i, in general and to Hawaiians, in particular. Incarcerated people in Hawaii are disproportionately Hawaiian. In the 2000 Census, 18% of the state was Native Hawaiian. A more recent figure reported in the 2010 report *The Disparate Treatment of Native Hawaiians in the Criminal Justice System*³ reported that 24% of the population is Native Hawaiian. The Department of Public Safety reports that approximately 40% of incarcerated people are of Hawaiian ancestry; yet is widely known that the population of incarcerated Native Hawaiians is approximately 60%.

This means that CCA's three prisons house almost 60% of the male population in Eloy, AZ. Federal funds are based on population, impacting Hawai'i's share of federal funds.

The need for change in the “usual residence” rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated

² <http://www.city-data.com/city/Eloy-Arizona.html#ixzz3f9dYqm2W>

³ http://www.justicepolicy.org/uploads/justicepolicy/documents/10-09_exs_disparatetreatmentofnativehawaiians_rd-ac.pdf

population in the U.S. totaled less than half a million. But since then, the number of incarcerated people as more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.

A prison cell is NOT a residence, despite being designated as such in the 2010 Census. By doing so, the Census Bureau concentrated a population that is disproportionately male and persons of color, and in our case Hawaiian, who are located far from their actual homes and ancestral lands.

Prison-based gerrymandering violates the constitutional principle of “One Person, One Vote.”⁴ The Supreme Court requires districts to be based on equal population in order to give each resident the same access to government. But a longstanding flaw in the Census counts incarcerated people as residents of the prison location, even though they can’t vote and aren’t a part of the surrounding community.

When legislators claim people incarcerated in their districts are legitimate constituents, they give people who live close to the prison more of a say in government than everybody else. This is not fair or accurate.

We urge the Census Bureau to fix this egregious flaw that is motivated by politics, rather than thoughtful policymaking.

Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities.

Because Community Alliance on Prisons believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.

Sincerely,

Kat Brady

Kat Brady
Coordinator

⁴ But it wasn’t until 1963 that “One person, one vote” became a widely articulated core principle of the Constitution when it was first spoken by Chief Justice Earl Warren’s Supreme Court.

<http://www.theconstitutionproject.com/portfolio/one-person-one-vote/>