



**Correctional
Association**
OF NEW YORK

A Force For Progressive Change Since 1844

2090 Adam Clayton Powell, Jr. Boulevard, Suite 200 New York, NY 10027
tel (212) 254-5700 fax (212) 473-2807 www.correctionalassociation.org

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July 9, 2015

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

Re: Comment regarding the Residence Rule and Residence Situations

Dear Chief Humes,

The Correctional Association of New York (CA) submits 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). We urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census day.

The CA is an independent, non-profit organization founded by concerned citizens in 1844 and granted unique authority by the NY State Legislature to inspect prisons and to report its findings and recommendations to the legislature, the public and the press. Utilizing a strategic model of research, policy analysis, prison monitoring, coalition building, leadership development and advocacy, the CA strives to make the administration of justice in New York State more fair, efficient and humane. The CA's three principal programs - the Prison Visiting Project, the Women in Prison Project and the Juvenile Justice Project - work to stop the ineffective use of incarceration to address social, economic and public health problems; advocate for humane prison conditions; empower people directly affected by incarceration to become leaders; and promote transparency and accountability in the criminal and juvenile justice systems.

Ending mass incarceration requires fair representation, but the Census Bureau's current methodology systematically shifts political power to legislators with large incarcerated populations in their districts. This "constituent" bonus incentivizes legislators to support maintaining bloated prison populations.

But this wasn't always a problem; as you know, American demographics and living situations have changed drastically in the 225 years 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. Today, the growth in the prison population requires the Census to update its methodology again.

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 population in the U.S. totaled less than half a million. 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.

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 5,393 Census blocks that are located far from the actual homes of incarcerated people.

When this data is used for redistricting, prisons artificially inflate the political power of the areas where the prisons are located. In New York after the 2000 Census, for example, seven state senate districts only met population requirements because the Census counted incarcerated people as if they were upstate residents. For this reason, our state passed legislation to adjust the population data after the 2010 Census to count incarcerated people at home for redistricting purposes.

While we and three other states (and over 200 counties and municipalities) all individually adjust population data to avoid prison gerrymandering, it makes far more sense for the Census Bureau to count incarcerated people at home, accurately counting incarcerated people nation-wide.

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 the Correctional Association believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.

Sincerely,

A handwritten signature in black ink, appearing to read "Soffiyah Elijah".

Soffiyah Elijah
Executive Director