



Council on Crime and Justice

... bringing just solutions to the causes and consequences of crime ...

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

Dear Karen Humes,

The Council on Crime and Justice (The Council) 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). The Council urges you to count incarcerated people at their home address, rather than at the address of facility where they happen to be located on Census day.

The Council on Crime and Justice is a private, non-profit agency located in Minneapolis, MN, that has been a leader in the field of criminal and social justice for over 56 years. The Council provides an independent voice for a balanced approach to criminal justice. It has also been at the forefront of many new programs in such areas as offender services, alternative sanctions, victim's rights, and restorative justice. The Council's work seeks a criminal justice system that is equitable and just, treats people with compassion and dignity, and allows for second chances, creating a safe and thriving community.

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 number of incarcerated people has 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.

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

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Census blocks that are located far from the actual homes of incarcerated people. In Minnesota this resulted in four state house districts that derive at least 3% of their require population from prisons located in the district.

Currently, four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census' population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.

But this ad hoc approach is neither efficient nor universality implementable. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. *See* The Massachusetts General Court Resolution "Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of 'One Person, One Vote'" (Adopted by the Senate on July 31, 2014 and the House of Representatives on August 14, 2014).

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 [org name] believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.

Sincerely,



Andy Sagvold
President
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