



CRIMINAL JUSTICE POLICY COALITION

July 2015

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Dear Karen Humes,

The Criminal Justice Policy Coalition submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situation, 80 FR 28950 (May 20, 2015). The Criminal Justice Policy Coalition urges 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.

As a non-profit organization dedicated to the advancement of effective, just, and humane criminal justice policy in Massachusetts, the Criminal Justice Policy Coalition has a significant interest in ending prison gerrymandering and ensuring equal representation. The current Census Bureau policy of counting incarcerated people at their particular facility constitutes a violation of justice and democracy.

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 Census blocks that are located far from the actual homes of incarcerated people. In Massachusetts, this resulted in roughly 10,000 people counted at their facility location rather than their actual home, which is their legal address for other purposes.

Currently, four states (California, Delaware, Maryland, and New York) are taking a statewide 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.

This ad hoc approach is neither efficient nor universally 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). In following our state's initiative and the calls of other organizations such as the Prison Policy Initiative, we, the Criminal Justice Policy Coalition, urge the Census Bureau to count incarcerated people at their home address for the 2020 census.

The Prison Policy Initiative also has identified specific inaccuracies at both the state and local levels flowing from the Bureau's current method of counting incarcerated persons. Within Massachusetts, the most significant problems arise when towns rely on accurate data from the Census Bureau to assign representatives for their representative town meeting government, but the towns unknowingly use skewed numbers due to the Census Bureau methodology. For example, the town of Plymouth has a total of nine representative members, three of which are directly attributable to the Plymouth County Correctional Facility. That is, 33% of the representatives come from the incarcerated population. The same is the case in the town of Ludlow, where 5 of the 15 precinct representatives are attributable to the Hampden County Correctional Center. Additionally, the people incarcerated in the Bristol County House of Correction and Jail, Bristol County Sheriff's Office Women's Center, and the C. Carlos Carreiro Immigration Detention Center account for 13 of the 44 representatives (30%) at Dartmouth town meeting.

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 Criminal Justice Policy Coalition 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 'RCS', written in a cursive style.

Rachel Corey
Executive Director
549 Columbus Avenue
Boston MA 02118
director@cjpc.org
C: 617-869-2773
O: 617-807-0111