

July 20, 2015

**By Email Correspondence**

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

RE: 2020 Decennial Census Residence Rule and Residence Situations  
Docket Number 150409353-5353-01

Dear Ms. Humes:

These comments are submitted in response to the Public Notice, dated May 20, 2015, regarding proposed changes to the Residence Rule and Residence Situations for the upcoming 2020 Census.<sup>1</sup> The Public Notice sought comment on the Residence Rule, and the undersigned seeks to provide comment on the Residence Rule as it relates to those who are incarcerated (Rule 13) and those in Juvenile Facilities (Rule 16) (collectively, the “Detainees”).

I have served as the *pro bono* counsel for the family members of those who have been incarcerated in a proceeding before the Federal Communications Commission since 2010. The proceeding relates to the telephone rates and other charges that are imposed on families to remain in contact with Detainees, and I have actively advocated before the FCC, Congress, and the US District Court for the establishment of rate caps and elimination of excessive fees. The telephone is uniquely important to the families I represent *because correctional facilities tend to be located very far away from their homes*. In this context, I have become uniquely aware of the economic and personal impact of the difficulties of family members to remain in contact with Detainees, especially with the 1.7 million children with at least one family member who are Detainees.

Rule 13 and Rule 16 count Detainees as being a resident at the facility, rather than their residence before being detained, i.e., their permanent residence. Not only is this determination different than many states’ laws which specifically do not change Detainees’ permanent residences, and actually permit Detainees to vote for candidates at their permanent residence. Thus, the rules are in conflict with state law, and do not reflect the reality of how states treat Detainees in connection with their right to vote.

Moreover, this rule incentivizes the construction of detention facilities at distant locations far away from the Detainees’ permanent residences. In particular, because Census figures are used to determine state legislative districts, these rules skew the population of districts by adding additional people to districts that do not actually have the ability to vote for candidates in those very same congressional districts.

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<sup>1</sup> See *Notice and Request for Comment*, 80 Fed. Reg. 28950 (rel. May 20, 2015) (the “Public Notice”).

Because the current Census rules count Detainees as residents at the facility location, there is a strong incentive for communities to volunteer to construct detention facilities in order to increase their population without permitting the Detainees to vote in local elections. Studies have shown that more than 60% of those incarcerated are at facilities more than 100 miles from their permanent residence, and 10% of those incarcerated are located at facilities more than 500 miles from their permanent residence.<sup>2</sup>

The more reasonable approach would be for the Census Bureau to count Detainees at their permanent residence. This would lead to the accurate determination of the number of eligible voting residents for that particular district. Moreover, it would eliminate the perverse incentive to site detention facilities far distances from Detainees' permanent residences. If detention facilities are more easily accessible, then the recidivism rate will be reduced by increase contact between families and friends and Detainees, which will reduce the prison and jail costs.

Thank you this opportunity to provide comments on this very important criminal justice matter.

Respectfully submitted,

By: 

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<sup>2</sup> *Incarcerated Parents and Their Children*, Bureau of Justice Statistics (Aug. 2000) ([www.bjs.gov/content/pub/pdf/iptc.pdf](http://www.bjs.gov/content/pub/pdf/iptc.pdf)).