

To: Dr. Paul Voss, Chair
Residence Rules in the Decennial Census
National Academy of Sciences

From: Peter Wagner, Open Society Institute Fellow, Prison Policy Initiative
<pwagner@prisonpolicy.org> (413) 586-4985
Eric Lotke, Director of Policy and Research, Justice Policy Institute
<elotke@justicepolicy.org> (202) 363-7847 x313

Re: Feasibility of using administrative records or personal surveys to enumerate people in correctional facilities

Date: December 6, 2004

In reply to my correspondence about whether the Residence Rules Panel was planning to consider the redistricting implications of where prisoners are enumerated, you asked me if I had evidence to share that prisoners could be reassigned from an address within a correctional facility to a proper address elsewhere.

First, I want to thank you for taking the time to address this important matter. The decennial census is an extraordinary tool and the effort that goes into it is truly impressive. I believe that solving this problem of people in correctional facilities is critical – they presently number roughly 0.7% of the entire population and in excess of 10% of certain segments of the population (African American men in their twenties and thirties). Numbers this large need to be enumerated with the greatest possible precision.

To answer your question, I spoke with a number of Department of Corrections officials who maintain official data and researchers who have accessed it. In preparing this response, I have drawn upon the assistance of Eric Lotke, currently director of Policy and Research at the Justice Policy Institute in Washington D.C. In 2003, Mr. Lotke was an Open Society Institute Senior Soros Justice Fellow studying how Census Bureau enumeration procedures impact the distribution of federal and state funds. His findings will be published in a forthcoming issue of the *Pace Law Review*.

Short answer

The majority of states do maintain administrative records of some kind of home address. However, for reasons of uniformity and data quality we believe that collecting information directly from incarcerated persons may be a superior approach.

Discussion

There are generally two types of agencies that are in the position to collect home address information: court systems and correctional systems. The court systems almost universally collect this data, but the data is inapplicable for Census purposes because the records reflect those who were sent to prison in a particular time period. Court data generally can not be readily adapted to reflect those currently in correctional custody.

According to policy analyst Eric Cadora, about 30 state Departments of Correction maintain electronic administrative records of the home addresses of prisoners. Mr. Cadora is the leading geo-spatial analyst of prisoner origin, having working with Departments of Correction, court systems and state legislatures to study where prisoners come from and to develop strategies that might lower the rates of incarceration in particular neighborhoods.

His research in New Jersey, Louisiana, Connecticut, and Kentucky all relied upon state Department of Corrections data. Mr. Cadora reports that the New York State Department of Correctional Services is among those that maintain home address information, although his most famous work, an analysis of prisoner origin in Brooklyn, New York, was based on a sample of judicial records because he already had a working relationship with that agency.

The states that maintain this information most often do so by asking prisoners to self-report a last address during intake. This record is often not updated until the time of release.

For example, the state of Kansas contains a complete dataset of the last known address for its state prisoner population. Based on data published to the county level, the North Carolina Department of Corrections appears to have a virtually complete dataset of home residences for its population. According to an analysis of the prison population on October 31, 2004 published in the Department's online research query tool, in only 0.17% of the records (63 out of 36,136) was the home residence county "unknown". This is only slightly higher than the number of records of county of conviction that were reported as "missing" and "other". The North Carolina data appears to be very complete, though the precision below the county level is unclear.

There has been one published study that includes a discussion of the geo-spatial accuracy of this type of data: *Political Punishment: The Consequences of Felon Disenfranchisement for Rhode Island Communities*, released by the Rhode Island Family Life Center in September 2004.¹ The study found that the Rhode Island Department of Corrections collects a last known home address from persons entering the correctional system and maintains this list for all persons incarcerated under sentence, on probation or on parole. Over 88% of the relevant data in that study was successfully located to the tract level.

The Rhode Island Family Life Center excluded from its analysis those who reported out-of-state addresses. In 4.4% of the remaining records, research partner Providence Plan was unable to geo-code the address back to the town level. The address records were essentially blank. Because their analysis also required a tract level analysis of urban Providence, the Providence Plan attempted to geo-code all addresses reported within that city. They were unable to do so in 7.4% of the total cases, although the analysts reported in an interview that this was a higher success rate than they had experienced using other datasets.

Analysis

The majority of states do collect home residence information at the time of intake into the correctional system and maintain these records in an electronic format. It should therefore be possible to use these records to assign most incarcerated people to a new address outside of the facility. However, the process may be labor intensive and it is not available in every state. Although it seems reasonable to expect state correctional datasets to grow more complex and complete over time, it would be unreasonable to expect that administrative records can answer all questions the Census Bureau needs in 2010.

The best solution therefore might be to collect information from incarcerated people directly rather than from administrative records. Although prison officials often warn of

¹ Marshall Clement and Nina Keough, Rhode Island Family Life Center, *Political Punishment: The Consequences of Felon Disenfranchisement for Rhode Island Communities*, September, 2004. <<http://www.sentencingproject.org/pdfs/providence-report.pdf>>

safety problems, social workers, volunteers and other civilians enter prisons quite frequently to no ill effect. The journalist accounts of the prisons where Census 2000 forms were distributed directly to prisoners reported that the prisoners were cooperative, suggesting that this direct approach could be used more widely.

Distributing forms directly to prisoners would have at least 5 collateral benefits:

1. Increasing precision.

Addresses provided by people in prison at the time of the census will be more precise than addresses provided at time of intake, simply because they are more current. For example, people who were living with their families and expect to return to their families can provide the current family address. Addresses so provided will be at least as accurate as the unstable addresses used for homeless people, migrant workers and even the highly mobile urban youth who sometimes end up behind bars for a while. At the very least, it puts them in their own neighborhood rather than an entirely different congressional district.

2. Increasing respondent candor and accuracy.

The Census Bureau has considerable experience working with sensitive populations. In its work, the Census Bureau is clear about why it collects the data it does, how it will be used and how its privacy will be protected. It would seem reasonable to expect prisoners to be more candid with Census Bureau officials than the state Department of Corrections regarding the last address and other information.

3. Creating uniformity in data collection procedures.

In Census 2000, the method of counting prisoners varied from prison to prison. In some prisons, forms were distributed to and collected directly from prisoners. In other facilities, administrators used official records and submitted a report to the Census Bureau.²

4. Reducing the imputation rate for data collected about prison populations.

Census 2000 suffered from an unexpectedly high reliance on administrative records for group quarters populations. The missing data rates "reached as high as 50 percent for all group quarters residents and as high as 75 percent for prison inmates."³

5. Aiding the Census Bureau in spotting duplicates in the response process.

An earlier National Academies panel suggested in *Counting Under Adversity*⁴ and another panel formally recommended in *Reengineering the 2010 Census* that home address information be collected to facilitate unduplication.⁵

² Recommendation 2, "Enforce a Uniform Prison Enumeration" in the Brennan Center for Justice report: *Accuracy Counts: Incarcerated People & the Census* by Patricia Allard and Kirsten D. Levingston, April 8 2004, p. 16. <http://www.brennancenter.org/programs/cj/RV4_AccuracyCounts.pdf>

³ Constance F. Citro, Daniel L. Cork, and Janet L. Norwood, eds., *The 2000 Census: Counting Under Adversity*, National Research Council of the National Academies (Washington, 2004) p. 297.

⁴ *Ibid.*, p. 156.

⁵ Daniel L. Cork, Michael L. Cohen, and Benjamin F. King, eds., *Reengineering the 2010 Census: Risks and Challenges*, National Research Council of the National Academies (Washington, 2004) p. 153.

Recommendation

We suggest a usual residence rule for incarcerated persons modeled on that designed for non-institutional group quarters: Count prisoners at the facility only if they do not report a usual and valid address elsewhere.⁶

We believe that such a change to the usual residence rules would be a fair and simple solution to how the next decennial Census should count one of the fastest growing demographics in the country: involuntarily incarcerated people.

We hope you have found this information helpful and we thank you for your consideration of this proposal. We would be happy to answer any questions you may have.

⁶ U.S. Census Bureau, *Plans and Rules for Taking the Census, Residence Rules, Rule 12*, available at <http://www.census.gov/population/www/censusdata/resid_rules.html>. See also Citro, op. cit. p. 154 for a brief discussion of the fact that this rule was not implemented as designed.