

Submitted via email to *dcmd.pra@census.gov*

November 12, 2024

To:

Michael S. Snow, Supervisory Program Analyst
Decennial Program Management Office
Decennial Census Management Division

Re: Comment in response to 89 FR 73623, Docket Number 2024-0024

Urging small-scale testing for collecting home addresses to count incarcerated people at home

The undersigned criminal justice, voting rights, and census and data equity advocate organizations submit this comment in response to the Census Bureau's federal register notice regarding Generic Clearance for 2030 Census Small-Scale Tests, Evaluations, and Database Updates, 89 FR 73623 (Sept. 11, 2024). Thank you for this opportunity to address the Bureau's plans for small-scale tests. We urge the Census Bureau to conduct one or more small-scale tests of methods for collecting home addresses of incarcerated people to determine how best to implement a revision of the Residence Criteria and Residence Situations for people who are in correctional facilities on Census Day.

We are pleased to see that the Census Bureau is [requesting generic clearance](#) from the U.S. Office of Management and Budget for small-scale testing to inform the 2030 Census design. We highlight here one avenue of testing critical to the success of the 2030 Census: Collecting home address information for incarcerated people. Identifying the best methods for counting incarcerated people at the location of their home address will allow the Census Bureau to better meet the needs of a growing number of states that consider incarcerated people to be residents of their home communities for purposes of intrastate legislative redistricting, in an effort to end "prison gerrymandering."

There are [many reasons](#) the Bureau should count incarcerated people as residents of their home address. Here are several of those reasons that highlight the importance of testing ways to operationalize a Residence Criteria revision with respect to individuals located at correctional facilities on Census Day:

1. Roughly two million people are confined to correctional facilities in the U.S. Most are incarcerated for short periods of

time; almost none are personally, demographically, or electorally part of the community where the facility is located.

2. Counting incarcerated people at the facility where they are temporarily being held on Census Day leads to a severe distortion of democracy, a contradiction of the purpose of the census laid out in the equal representation clause of 14th Amendment to the U.S. Constitution. People in prison are not a part of the “community of interest” essential to fair redistricting principles set forth in law and by the courts.
3. Correctional facilities do not conform to the concept of “usual residence,” which the Census Bureau uses as a standard for determining where to count people.

The Census Bureau last analyzed the possibility of enumerating incarcerated people at their home addresses in 2006. In the almost 20 years since the publication of that report, mass incarceration in the U.S. has reached a historical high. Research shows that a quarter of Black men — already missed at disproportionately high rates in the decennial census — will spend at least a year in prison during their lifetimes. Prisons are typically located in rural areas that are geographically and demographically far removed and disconnected from the urban communities most incarcerated people consider home.

Not only are there mounting reasons for the Census Bureau to reconsider the application of the residence rule to people in prison on Census Day, but advances in technology will also ease any difficulties previously associated with enumerating people in prisons and jails, while reducing the cost of doing so. We recognize that testing is necessary to ensure the most successful implementation of a new residence rule for people staying in correctional facilities on Census Day. To that end, the proposed small-scale testing offers a timely opportunity to consider ways the Census Bureau can collect home addresses from people in these facilities in the 2030 Census.

Methods the Census Bureau should consider researching and testing include:

1. Allowing incarcerated people to complete redesigned Individual Census Questionnaires (ICQ) online, comparable to the new methodology for noninstitutional Group Quarters populations, such as college students, which the Census Bureau is now using for the American Community Survey and will test for the 2030 Census in 2026 (to the best of our knowledge). People in prison regularly use computers or tablets to conduct a range of tasks related to their incarceration, such as ordering food or scheduling medical appointments. However, access to

specific technology capabilities varies among facilities and institution types and therefore warrants testing in various correctional group quarters.

2. Similarly, allowing incarcerated people to respond using a redesigned paper ICQ that collects a respondent's home address. The distribution and collection of ICQs by a designated facility administrator is not a new method for enumerating Group Quarters populations, including incarcerated people. (In the 2020 Census, for example, 2% of people in adult correctional facilities and 12% of people in juvenile facilities were counted through self-enumeration, according to the National Academies of Sciences, Engineering, and Medicine's *Assessing the 2020 Census: Final Report*.) Initial qualitative research, to the extent the Census Bureau has not carried out some or all of this work previously, would explore appropriate question/questionnaire instructions, wording, and formatting for collecting home address information.

3. Identifying correctional staff liaisons who could be given temporary sworn employee status, to assist in collecting home address information directly from people in their respective institutions. This information could be integrated into the institution's electronic transfer of records to the Census Bureau as part of the Group Quarters enumeration, if that is the preferred method for a specific correctional facility. At the same time, the Census Bureau should research the availability of home address information in state and federal databases of people being held in correctional facilities (e.g. in administrative records).

The need for updating the residence rule for incarcerated persons has greatly increased over the past two decades. For the 2010 Census, Maryland and New York enacted their own legislation requiring incarcerated persons to be counted at their home addresses. Since then, 14 additional states decided to end prison gerrymandering. All of these states, accounting for nearly half of the US population, must currently rely on their own data sources to identify the home addresses of incarcerated people, and allocate them to their actual residence, given the inaction of the Census Bureau in addressing this need. The Census Bureau's mission has a critical goal of meeting the needs of governmental entities that use its data, and in this respect, the Census Bureau is falling short. As we near the midpoint of the decade, the Census Bureau should take this opportunity to conduct research on how best to implement a revision of the Residence Criteria and Residence Situations with respect to individuals who are in correctional facilities on Census Day.

Sincerely,

Alabama Values
All On The Line
American Civil Liberties Union
Asian Americans Advancing Justice - AAJC
Asian Texans for Justice
Association of Public Data Users
Autistic Self Advocacy Network
Coalition on Human Needs
Common Cause
Disability Policy Consortium
Drug Policy Alliance
Fair Count Inc
Fayetteville Alumnae Chapter Delta Sigma Theta Sorority, Inc
Funders' Committee for Civic Participation (FCCP)
LatinoJustice PRLDEF
League of Women Voters of the United States
Legal Defense Fund
MALDEF (Mexican American Legal Defense and Educational Fund)
Minnesota Council on Foundations
Movement Advancement Project
NALEO Educational Fund
National Community Action Partnership
National Council of Churches
National Council of Jewish Women
National Employment Law Project
NC Counts Coalition
NETWORK Lobby for Catholic Social Justice
Prison Policy Initiative
Redistricting Data Hub
SHK Global Health
SocialExplorer, Inc.
Southern Coalition for Social Justice
Storied Analytics LLC
The Leadership Conference on Civil and Human Rights
VOICES for Alabama's Children
Whitman-Walker Institute