

August 30, 2016

Karen Humes
Chief, Population Division
U.S. Census Bureau
Room 5H174
Washington, DC 20233
Via email: POP.2020.Residence.Rule@census.gov

Dear Ms. Humes:

As former Directors of the U.S. Census Bureau, we write respectfully to encourage your consideration of a different Residence Criteria governing where incarcerated persons are counted in the decennial census than the one proposed in the *Federal Register*, 2020 Census Residence Criteria and Residence Situations, FR Doc. 2016-15372 Filed 6-29-16. For the reasons set forth below, we believe the Census Bureau should reverse its current policy and count incarcerated persons at their home address, instead of at the facility where they are housed on Census Day.

The census residence rules are grounded in the Census Act of 1790, which established *usual place of residence* as the guidepost for determining where to place people who are counted in the census, whether in a household or group facility. The Census Bureau further defined this concept as “where a person lives and sleeps most of the time.”

The Census Bureau fully understands, of course, that it cannot easily apply this seemingly simple description to millions of people who maintain more than one residence, or who are temporarily away from home during the census, with a “one size fits all” approach. As another former director, John G. Keane, noted in testimony before the House Subcommittee on Census and Population in 1988, “Usual residence is not necessarily the same as legal residence, voting residence, or the place where a person is found on Census Day” (Testimony of Dr. John G. Keane, Director, Bureau of the Census, before the House Subcommittee on Census and Population, “Census Residence Rules: Military Personnel Abroad,” April 18, 1988, Serial No. 100-49). We commend the bureau for its careful consideration of a myriad of living situations for which *usual residence* is not easily established. Equally important, the bureau has recognized that demographic and normative changes warrant frequent reevaluation of the residence criteria, to ensure that the decennial census produces the most accurate profile possible of our nation’s population and communities.

An illustrative example is the Census Bureau’s decision to reverse a century-old rule governing where to count students attending college (and living away from home) for the 1950 Census. Prior to 1950, most college students were counted at their parents’ home, in accordance with the first formal residence rules established in 1850. As the Committee on National Statistics documented in its seminal report on census residence rules, “*Once, Only Once, and in the Right Place*,” several factors influenced the Census Bureau’s decision to change course with respect to counting college students (National Research Council of the National Academies, “*Once, Only Once, and in the Right Place: Residence Rules in the Decennial Census*,” 2006). The bureau concluded at the time that “most students live in college communities for as much as nine months of the year, so the college is their usual residence,” making the new rule to count students at their college or university living quarters more consistent with the concept of usual residence. Notably, however, the changing demography of college campuses, propelled by the return of soldiers from World War II who took advantage of educational opportunities under the GI Bill, was another significant consideration. Finally, the bureau highlighted the importance of accuracy as a factor that supported a policy change, noting that the 1850 rule often led to misreporting (omissions and duplications) both by parents inclined to count their collegiate children as part of the household and by college students who received census forms at their academic year residence.

The evolution of the residence rule pertaining to college students demonstrates that a range of variables rightly bears on decisions that determine where people are counted in the census, especially for mobile population groups. We believe significant trends in the nation's criminal justice system over the past 30+ years similarly warrant close examination and, ultimately, a reversal of the current rule that places incarcerated persons at the facility where they are housed on Census Day, rather than at their home address. We highlight three notable developments for your consideration:

- The prison population has increased from roughly 300,000 in 1980 to more than 2.2 million today; the proportion of the U.S. population that is incarcerated has increased four-fold in that time period. Therefore, the consequences of the Residence Criteria for census accuracy are far greater.
- Prisons are now more likely to be located in largely White (non-Hispanic) rural areas, while a majority of prisoners come from urban, often underserved, communities whose populations are disproportionately people of color. It is the latter communities to which incarcerated persons will likely return after serving their sentences and to which they maintain family and social ties. This factor is significant: the U.S. Supreme Court recognized in *Franklin v. Massachusetts* (505 U.S. 788, 1992) that the concept of usual residence in the census incorporated some element of “enduring ties” and “allegiance” to a community.
- There is considerable turnover within the prison system itself, with large number of inmates leaving the system each year after completing their sentences (or being released pre-trial after being held in local jails for mere days) and many others being transferred frequently between facilities. Therefore, many incarcerated persons will *not* spend long periods of time at the facility where they are housed on Census Day.

In summary, a new rule that places incarcerated persons in their home communities would recognize the temporal nature of most incarcerations and produce census data that more accurately reflect the true demographic, social, and economic conditions both of communities that are the “usual residence” for most incarcerated persons *and* communities to which these individuals have virtually no ties beyond the siting of a prison facility. Stated another way, counting prisoners at their home address would improve the *distributional accuracy* of the census — an important goal in light of the census' primary role as the basis for our representational system of government and the broader use of census data as a guide star for the prudent allocation of public and private resources.

Thank you for your consideration of our views on this important issue.

Sincerely,

Robert M. Groves
Director, U.S. Census Bureau, 2009-2012

Kenneth Prewitt
Director, U.S. Census Bureau, 1998-2001