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**U.S. Census Bureau Report:
Tabulating Prisoners at Their
“Permanent Home of Record” Address**

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Contents

Executive Summary	i
1. Introduction.....	1
2. Summary of Findings	1
3. Background on Usual Residence	2
3.1 Legal Requirements.....	2
3.2 The Concept of Usual Residence	5
4. Correctional Facilities Enumeration in Census 2000	5
5. Related Surveys Conducted by the Census Bureau.....	6
6. Research and Results.....	7
6.1 Information from the Bureau of Justice Statistics.....	7
6.2 Federal Correctional Facilities	8
6.3 State Departments of Corrections Offices	9
6.4 State and Local Correctional Facilities.....	9
7. Practical, Operational, and Policy Implications	10
7.1 Practical and Operational Implications.....	10
7.2 Policy Issues.....	12
8. Conclusion	13

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Executive Summary

In the Conference Report accompanying the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (P.L. 109-108), Congress directed the U.S. Census Bureau to study tabulating prisoners at the address of their “permanent home of record,” rather than at their place of incarceration.

In the course of its study, the Census Bureau considered a range of options and data sources, including administrative records data from the Federal Bureau of Prisons, and consulted corrections officials at the federal, state, and local level. The following uncertainties and challenges were identified:

Definition of “Permanent Home of Record”: There is no generally agreed-upon definition of the concept “permanent home of record.”

Method of Data Collection and Access: Address information for prisoners would need to be collected either through individual enumeration procedures or through access to administrative records. A complete address that can be coded to a block and verified to exist is required if the residents of the address are to be included in redistricting data.

Our study revealed that interviewing every prisoner would rely on full participation, coordination, and support with thousands of correctional facilities. Because interviewing every prisoner would require security considerations and detailed coordination involving the scheduling of each prisoner for an interview, we do not think interviewing all prisoners is feasible.

We could attempt to collect address information from administrative records. Our study found that the records are incomplete, inconsistent, and not updated. Often, there is a street number and street name missing, and only the city and state are available. In addition, there is no validation procedure used by the correctional systems to ensure that the address on the administrative record is correct. Therefore, relying on administrative records alone is not a viable option because some prisoners’ addresses either will not be provided, or will be incomplete, or will be in some way unusable for census purposes.

Data Quality and Accuracy: New census operations would be required to verify the existence of the addresses and to validate the residency of the prisoners at the addresses provided by them. If the address provided by the prisoner is not valid, new procedures would need to be developed to either revert back to counting the prisoner at the correctional facility location or to conduct further follow-up interviews to determine a valid address.

Consistency: A change in the manner by which prisoners are tabulated will be inconsistent with how other Group Quarters populations are tabulated. This has serious implications for the methods used to tabulate college students, nursing home residents, and other persons that reside in Group Quarters.

Lawfulness: It is unclear how the Census Bureau can satisfy its legal obligation to report the whole number of persons in each State for apportionment purposes if it tabulates prisoners at an address other than where they are confined.

Cost: The estimated cost is approximately \$250 million to interview all prisoners in all federal, state, and local correctional facilities and to process the address information reported by the prisoners. This is more than a 1,200 percent increase over the cost of enumerating prisoners in Census 2000. This cost does not include the development and field testing of interviewing, verification, or validation procedures.

Timeliness: The census operations required to tabulate prisoners at their “permanent home of record” address introduce the risk of not meeting statutorily mandated dates to deliver census data. It is unclear how many weeks or months would be required for large correctional facilities to arrange for Census Bureau field enumerators to schedule interviews conducted in a safe, confidential environment.

1. Introduction

The Conference Report accompanying the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006, contains the following wording:

“The conferees direct the Bureau to undertake a study on using prisoners' permanent homes of record, as opposed to their incarceration sites, when determining their residences. The Bureau should report back to the Committees on Appropriations on its findings within 90 days of enactment of this Act.”¹

2. Summary of Findings

The Census Bureau consulted four types of subject matter experts for this study: the Bureau of Justice Statistics, the Federal Bureau of Prisons, state corrections departments, and state and local correctional facilities. Internal sources were also consulted to include information on related surveys conducted by the Census Bureau for the Department of Justice and information on the American Community Survey.

In the course of its study, the Census Bureau considered a range of options and data sources. The results of the study and the implications of changing the census law and its procedures led to the following conclusion from the Census Bureau:

Counting prisoners at a “permanent home of record” address, rather than at their place of incarceration, would result in increased cost both to the decennial census program and to the federal, state, and local correctional facilities that would be required to participate in data collection efforts. Our study raises concerns that this change would result in decreased accuracy for a possibly large proportion of millions of individuals confined on Census day. The completeness of the census count would be compromised for prisoners that cannot provide a valid address, and we have no method of determining how many individuals would fall into that category. Further, a fundamental shift for the enumeration of correctional facilities would likely have a negative impact on other Group Quarters enumerations.

If Congress were to mandate that the Census Bureau tabulate prisoners at their “permanent home of record” address (however that may be defined), prisoners would have to be interviewed individually and the Census Bureau would have to verify both the existence of a living quarter at the address and the validity of counting the prisoner at the address. There are operational and cost implications associated with this. Based on data from the Bureau of Justice Statistics, we estimate that there will be 2.6 million adults and juveniles in federal, state, and local correctional facilities in 2010. It will cost approximately \$250 million to have all prisoners interviewed in all correctional facilities and to process the address information reported by the prisoners. This is

¹ H.R. Conf. Rep. No. 109-272, at 140 (2005).

more than a 1,200 percent increase over the cost of enumerating prisoners in Census 2000.

If Congress mandates this change and funds the collection of “permanent home of record” addresses, the following major challenges and issues still exist:

- The Census Bureau would need additional authority to access all prisoners in all federal, state, and local correctional facilities for enumeration, which would impose an additional financial burden on the correctional facilities to support the data collection. Not only would additional security need to be provided, but, due to Title 13 protections, all interviews would need to take place in an area that would provide confidentiality to every prisoner during the time of the interview.
- Some addresses will either not be provided or will be unusable for census purposes. In cases where a valid address is not obtainable, new procedures would need to be developed to either revert back to counting the prisoner at the correctional facility or to conduct further follow-up interviews to determine a valid address.
- If a valid residential address (i.e., a complete address that can be verified to exist) were provided, the Census Bureau would have to verify the validity of tabulating the prisoner at that address which would require a new census operation to interview the current residents of the address.
- A change in the way the residence rule is applied to prisoners will cause debate over how other Group Quarters populations (e.g., college students and military personnel) are tabulated.
- Any change to the way the Congress directs the Census Bureau to conduct the census or tabulate the results will change the way states are apportioned; congressional, state, and local legislative districts are drawn; and government funds are distributed.

3. Background on Usual Residence

3.1 Legal Requirements

Article I, § 2, cl.3 of the United States Constitution requires that Representatives be “apportioned among the several States...according to their respective Numbers” determined by an “actual Enumeration” of the people in each state and as amended by the Fourteenth Amendment, requires that the count include the “whole number of persons in each State.”² The manner of conducting the enumeration was clarified by the first Census Act, establishing the “concept of usual place of abode” (which has been modernized to “usual place of residence”).

² U.S. CONST. art. I, § 2, cl.3, *amended by* U.S. CONST. amend. XIV, § 2.

This statute, enacted for taking the 1790 Census, provided:

That every person whose usual place of abode shall be in any family on the aforesaid first Monday in August next, shall be returned as of such family; and the name of every person, who shall be an inhabitant of any district, but without a settled place of residence, shall be inserted in the column of the aforesaid schedule, which is allotted for the heads of families, in that division where he or she shall be on the said first Monday in August next, and every person occasionally absent at the time of the enumeration, as belonging to that place in which he usually resides in the United States.³ (*emphasis supplied*)

Because the interpretation of the Constitution by the First Congress is persuasive,⁴ it is assumed that the residence rule reflects the intention of the Founding Fathers, many of whom were in the First Congress, regarding the meaning of Art. I, Sec.2, Cl.3 of the Constitution.

The Supreme Court has established the standard of review for conducting the decennial census. That is, the procedures must be “consonant with, though not dictated by, the text and history of the Constitution . . . [and promote] the underlying constitutional goal of equal representation.”⁵

Court decisions have upheld the Census Bureau’s procedures for determining a person’s usual residence.

· In Franklin v. Massachusetts, the Supreme Court upheld the Census Bureau’s decision to count federal employees (military and civilian) temporarily stationed overseas at their home of record⁶ and articulated the standard of review that applies to the Census Bureau residence rule. That standard inquires whether the Census Bureau’s residence rule is “consistent with the Constitutional language and Constitutional goal of equal representation.”⁷ The Court concluded that the Census Bureau’s use of the home of record data as the usual residence for federal employees temporarily stationed abroad promoted the goal of equal representation.⁸ It is significant to note that the overseas federal employees were allocated back only to the state level. Unlike Franklin, where the

³ 1 Stat. 101 (1790) (*emphasis supplied*).

⁴ Bowsher v. Synar, 478 U.S. 714, 723-724 (1986); State of Wisconsin v. Pelican Ins. Co., 127 U.S. 265, 297 (1888).

⁵ Franklin v. Massachusetts, 505 U.S. 788, 806 (1992).

⁶ The Department of Defense defines “home of record” to be “the State declared by the person upon entry into military service, and determines where he or she will be moved after military service is complete.” Franklin v. Massachusetts, 505 U.S. 788, 793 (1992).

⁷ Id. at 804.

⁸ Id. at 806.

military administrative data were the only data available, there are actual addresses for prisoners in correctional institutions – the address of the institution itself.

- In District of Columbia v. U.S. Department of Commerce, the U.S. District Court for the District of Columbia upheld the Census Bureau’s residence rule counting prisoners in a detention facility located in Virginia, but operated by the District of Columbia, as residents of Virginia although the facility housed prisoners most of whom previously resided in the District of Columbia.⁹ The District Court found the Census Bureau’s procedure reasonable and concluded that the Census Bureau “has interpreted the Constitutional command to enumerate the whole number of people on Census day to require enumeration at the place where the people are usually to be found...[t]he determination is designed to be administered easily, without in-depth factual analysis.”¹⁰
- In Borough of Bethel Park v. Stans, the Court of Appeals for the Third Circuit found proper the Census Bureau’s procedures for tabulating prisoners in penitentiaries or correctional institutions “as residents of the state where they are confined.”¹¹ Similarly, the Third Circuit considered reasonable the Census Bureau’s policy of tabulating college students at the location of the college rather than at their parent’s home address, concluding that the “Bureau is entitled to limit its inquiry to the objective facts as to where the student chooses to generally eat, sleep and work.”¹² The Third Circuit acknowledged the Census Bureau’s substantial responsibility in tabulating people according to each state and justified the necessity in using a “definite, accurate and verifiable standard.”¹³ As the Constitution commands that congressional districts have an equal number of people for congressional elections, the Third Circuit maintained that it is the states, not the Secretary of Commerce or Director of the Census Bureau, which are under the Constitutional obligation to “draw their congressional districts in a manner which conforms with the requirements of the Constitution” for equal representation.¹⁴

⁹ District of Columbia v. U.S. Department of Commerce, 789 F. Supp. 1179 (D.C.C. 1992). The District Court also articulated that the original purpose of the enumeration is congressional apportionment and that the “level of financial support an area receives from a locality has never explicitly defined census enumeration.” Id. at 1187. This conclusion that distribution of federal funds to the states is secondary to the original Constitutional purpose of the census is also acknowledged by the Supreme Court in Wisconsin v. City of New York, Wisconsin v. City of New York, 517 U.S. 1, 5-6 (1996). Recently, Congress has further reiterated that the “sole Constitutional purpose of the decennial enumeration of the population is the apportionment of Representatives in Congress among the several states.” Pub. L. No. 105-119, Title II, § 209(a) (1997).

¹⁰ Id. at 1189.

¹¹ Borough of Bethel Park v. Stans, 449 F.2d 575, 582 (3d Cir. 1971).

¹² Id. at 579.

¹³ Id.

¹⁴ Id. at 582.

Thus the courts have determined that the application of the residence rule to tabulate prisoners at the correctional facility where they are incarcerated is in compliance with the Constitution and the underlying goal of equal representation.

3.2 The Concept of Usual Residence

The Census Bureau counts people at their usual residence. The concept of usual residence has been followed since the first census in 1790. Usual residence is customarily defined as the place where the person lives and sleeps most of the time. This place is not necessarily the same as the person's voting residence or legal residence.

Determining usual residence is easy for most people. However, given our nation's wide diversity in types of living arrangements, the usual residence for some people is not easily determined. A few examples are people without housing, commuter workers, people with multiple residences, college students, live-in employees, military personnel, and migrant workers. To apply the concept of usual residence to these different situations, the Census Bureau developed a residence rule with various applications to fit particular living arrangements.

According to the concept of usual residence, prisoners in correctional facilities, including prisons, jails, detention centers, etc. are counted at the correctional facility.¹⁵ The current plan for the 2010 Census, like Census 2000 and previous censuses, is to tabulate prisoners at the place of their incarceration.

4. Correctional Facilities Enumeration in Census 2000

To collect information about all people within the scope of the decennial census and consistent with the concept of usual residence, the Census Bureau developed a number of procedures for enumerating people who live in Group Quarters (i.e., places with living arrangements other than the standard house or apartment).¹⁶ The enumeration procedures for people living in group situations are designated as Group Quarters Operations. In census terms, correctional institution buildings where prisoners and staff live or stay are considered to be Group Quarters. The Census Bureau tabulates the prisoners and staff living or staying at each building as residents of the correctional facility in the decennial census.

¹⁵ http://www.census.gov/population/www/censusdata/resid_rules.html

¹⁶ 1990 CPH-R-2A, *1990 Census of Population and Housing History, Part A*, Chapter 6, Bureau of the Census, October 1993.

In Census 2000, the tabulated population in Group Quarters was approximately 7.8 million people. Of that, the tabulated population in correctional facilities was almost 2.0 million people.¹⁷

Due to safety and privacy concerns and to avoid disruption of residents and/or disturbance of normal routines, the Census Bureau found it administratively feasible and practical to authorize the staff of some correctional facilities to conduct the enumeration of prisoners. Census Bureau staff were present and sometimes were available to oversee the process. Census Bureau staff administered the census oath of confidentiality to the corrections staff to protect the confidentiality of the data they collect, trained the corrections staff on the enumeration procedures, provided all necessary enumeration materials, and collected the completed census questionnaires.

The Individual Census Report was the questionnaire used to collect Census 2000 data from the prisoners and staff living at the correctional facilities. Although it is preferred that people complete the Individual Census Report questionnaire for themselves, the Census Bureau recognizes that there are many circumstances involving personal safety or disruption to the facility for which the use of administrative records is more appropriate to complete the enumeration. The Census Bureau's procedures accommodated the use of administrative records (for counts and characteristics) and the transcription of that information onto a census questionnaire.¹⁸ In Census 2000, more than half of the census questionnaires completed in correctional facilities used administrative records as the basis for reporting.¹⁹

5. Related Surveys Conducted by the Census Bureau

As part of the research for this report, information on other surveys conducted by the Census Bureau at correctional facilities was studied to learn if address information for the prisoner population was collected.

The Census Bureau conducts ten periodic surveys that are sponsored by the Department of Justice. Seven of the surveys are at the institution level, collecting data about the institution and/or summary data about the prisoners. One survey, the Census of Juveniles in Residential Placement, collects specific information for each juvenile in residential placement. This survey does not collect pre-placement address information.²⁰ Two surveys ask sampled prisoners for

¹⁷ Jonas, Kimball (2003b), *Census 2000 Evaluation E.5- Revised: Group Quarters Enumeration*, August 2003.

¹⁸ D-678, *Census 2000 Self-Enumerating Places Training*, Bureau of the Census, February 2000.

¹⁹ Jonas, Kimball (2003b), *Census 2000 Evaluation E.5- Revised: Group Quarters Enumeration*, August 2003.

²⁰ *GOV list of the surveys conducted on behalf of the Department of Justice*, Charlene M. Sebold, Chief, Criminal Justice Statistics Branch, Governments Division, U.S. Census Bureau, December 13, 2005.

their address before their arrest date. However, the surveys do not ask for a specific house number and street address. Both surveys ask, “At the time of your arrest, in what city or place did you live?”²¹

The American Community Survey is a survey of a sample of households and a sample of people in Group Quarters conducted monthly throughout the decade. Launched in 2003, the American Community Survey collects the data previously collected on the census long form. In addition to recording the Group Quarter’s address, the American Community Survey asks for the place (name of city, town, or post office, or military installation, or base) where the respondent lived one year ago, for people one year or older who lived in the U.S., but did not live at the same address as at the time of enumeration.²²

None of these surveys collect house number and street name addresses for prisoners.

6. Research and Results

6.1 Information from the Bureau of Justice Statistics

Staff at the Census Bureau consulted with Bureau of Justice Statistics to gain insight into the collection of address information on the prisoner population in state and federal prisons.

In 1998, the Bureau of Justice Statistics conducted an Inventory of State and Federal Corrections Information Systems of all 50 states, the District of Columbia, and the federal prison system, representing 52 departments of corrections. To develop the inventory, a survey was conducted that asked about the availability of information to profile and describe the characteristics of the prisoner prior to incarceration, including the address of the prisoner prior to incarceration, that is, city, state or country.²³ At the time the inventory was developed, 25 percent of the states either did not record address information or only had address information in paper documents. Bureau of Justice Statistics experts advised that they do not believe these findings have appreciably changed since the 1998 survey.

²¹ *Survey of Inmates in Local Jails Items Booklet (SIJ-47)*, August 2001; and *Survey of Inmates in State and Federal Correctional Facilities Items Booklet (NPS-45)*, July 2003.

²² FORM ACS-1(GQ) (2006), The American Community Survey, October 2005.

²³ 1998 Inventory of State and Federal Corrections Information Systems Survey Instrument, *State and Federal Corrections Information Systems, An Inventory of Data Elements and Assessment of Reporting Capabilities*, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, August 1998.

The decennial census would not be able to use information from the Inventory of State and Federal Corrections Information Systems because:

- The information systems do not collect house number and street name address for the prisoner population. In the census, a house number and street name are required to ensure that the prisoner is counted in the correct census block. The identification of a specific census block is required if the residents of the address are to be included in redistricting data.
- Even if the address information collected was more detailed than city, state, or country, the address information is not consistently collected for all prisoners nationwide.

6.2 Federal Correctional Facilities

The Bureau of Prisons is responsible for the custody and care of approximately 188,000 federal offenders in more than 106 institutions. Approximately 85 percent of these prisoners are confined in Bureau of Prisons-operated correctional facilities or detention centers. The rest of the prisoners are confined through agreements with state and local governments or through contracts with privately-operated community corrections centers, detention centers, prisons, and juvenile facilities.²⁴

In December 2005, the Census Bureau contacted experts at the Bureau of Prisons concerning the availability of administrative information on the federal prisoner population. The Bureau of Prisons maintains a database of all federal prisoners. The database includes fields for capturing the prisoner's name, demographic data, and pre-incarceration address. As an initial step to assess the quality and usability of the database, the Census Bureau obtained a subset of the information on the file for all records in the database. The Census Bureau received the pre-incarceration address information contained in their database, when available. The pre-incarceration address consisted of the street address, city, state, and ZIP code. Staff at the Census Bureau computer matched the addresses provided by the Bureau of Prisons to the Master Address File maintained at the Census Bureau. In addition, staff attempted to geocode²⁵ the addresses using the Topologically Integrated Geographic Encoding and Referencing (TIGER)²⁶ database maintained at the Census Bureau. The identification of a geocode is required if the residents of an address are to be included in redistricting data.

²⁴ <http://www.bop.gov/about/index.jsp>

²⁵ "To geocode" means to assign an address, living quarters, establishment, etc., to one or more geographic codes that identify the geographic entity(ies) in which it is located. For living quarters, geocoding usually requires identification of a specific census block. The identification of a specific census block is required if the residents of the address are to be included in redistricting data.

²⁶ TIGER is a digital (computer-readable) geographic database that automates the mapping and related geographic activities required to support the Census Bureau's census and survey programs.

Of the records on the file, about 40 percent contained complete addresses that geocoded in TIGER and matched to an address in the Master Address File. Of the remaining records on the file, about 60 percent of the addresses are not useable by the Census Bureau to tabulate the prisoners at their reported pre-incarceration address.

6.3 State Departments of Corrections Offices

The Census Bureau's Regional Offices contacted the state Departments of Corrections in eight states: California, Florida, Maine, New York, North Dakota, Texas, Vermont, and Wyoming. These states represent the four states with the largest number of people in state correctional facilities and the four states with the smallest number of people in state correctional facilities based on the *Prisoners in 2004* results.²⁷

In the decennial census, the enumeration of prisons primarily occurs at the individual correctional facility, using administrative records maintained by the correctional facility. Typically, it does not occur using data from a central administrative office of the governmental unit. Although enumeration historically occurs at the facilities, for purposes of this study, the state Departments of Corrections were contacted to learn about the availability of a centralized source of address information.

Information gathered from these eight state Departments of Corrections indicates similar themes or findings regarding the collection and maintenance of address information on prisoners. Detailed address information (that is, addresses needed to tabulate the prisoner population at the block level) for all prisoners in correctional facilities does not currently exist in administrative records.

6.4 State and Local Correctional Facilities

Staff from the Census Bureau's Regional Offices contacted wardens, sheriffs, and administrative personnel from seven state correctional facilities and 16 local facilities to gather more specific information about the availability of address information for each prisoner.

Of the 23 facilities contacted, eight reported they were familiar with the term "permanent home of record" address, but each facility defined the term differently. Fifteen facilities reported they were not familiar with the term.

The information obtained from the facilities was similar to the information obtained from the state Departments of Corrections. Detailed address information for all prisoners in correctional facilities does not currently exist in administrative records.

²⁷ *Prisoners in 2004*, Bureau of Justice Statistics Bulletin, October 2005.

7. Practical, Operational, and Policy Implications

7.1 Practical and Operational Implications

There is no generally agreed-upon definition of the concept “permanent home of record.”

To collect “permanent home of record” addresses consistently for all prisoners would require collecting the information from each prisoner individually (either through a Census Bureau interviewer or through special sworn status corrections staff) and presents major operational issues for both the correctional facilities and the Census Bureau.

- The use of centralized administrative record data to collect “permanent home of record” addresses is not an option. Detailed address information for all prisoners in correctional facilities does not currently exist. It is possible that Congress could direct every federal, state, and local correctional facility to develop an administrative record that includes a ‘permanent address of record’ for each prisoner. Our study did not examine changing current correctional facility procedures or implementing new requirements for correctional facilities.
- It will cost about \$250 million for the Census Bureau to interview all prisoners in all federal, state, and local correctional facilities and to process the address information reported by the prisoners. This is more than a 1200 percent increase over the cost of enumerating prisoners in Census 2000. This estimate does not include the substantial amount of funding that will be required by correctional facilities to support the census enumeration. Nor does it include the development and field testing of interviewing, verification, or validation procedures.
- In Census 2000, 61 percent of the prisoners were in correctional facilities with over 1000 prisoners.²⁸ Interviewing prisoners in these large facilities would require an extensive coordination procedure that would rely heavily on the active participation of thousands of federal, state, and local correctional facilities. Each interview would have to be scheduled in advance and space would be needed that would provide safety to the interviewer and confidentiality to the prisoner.
- Officials at the correctional facilities must preserve standard routine activities. We have not investigated the degree to which interviewing prisoners would represent a serious disruption to prison operations.

²⁸ Jonas, Kimball (2003b), *Census 2000 Evaluation E.5- Revised: Group Quarters Enumeration*, August 2003.

- Correctional facilities have strict requirements about who is allowed to enter a correctional facility. Some facilities require as much as six months lead time in approving the specific census workers who will be interviewing the prisoners. This lead time is not possible in a census environment because of the short term nature of census jobs. New procedures would need to be developed to obtain security entrance for Census interviewers. Because these interviewers are temporary employees hired specifically to conduct the decennial census, the Census Bureau would likely need to modify its recruitment, screening, and security clearance of potential correctional facility interviewers. And, the federal, state, and local correctional facilities would need to establish a quick and orderly method for interviewers to have access.

There will be instances where the Census Bureau will not be able to tabulate prisoners to an address other than the correctional facility.

- An unknown number of addresses outside the United States (e.g., Canada or Mexico) will be “permanent homes of record” of the prisoners.
- Some prisoners were experiencing homelessness when they entered the facility and they do not have an address.
- No address, other than the correctional facility, will be provided for some prisoners.

Prisoners’ addresses obtained during enumeration will present challenges.

- The Census Bureau will not be able to assign many addresses to a specific block.
- For addresses that do not match to an address on the Master Address File, census workers must visit the block to which the addresses were geocoded in order to determine if they existed.
- The quality of some addresses obtained from the enumeration of prisoners will result in an increase in the volume of addresses requiring field visits. An increase in the volume due to processing the prisoners’ addresses raises resource issues and poses the potential risk of not meeting statutorily mandated dates to deliver census data.
- If the prisoner’s address is valid, (i.e., geocoded and on the Master Address File), it could be another correctional facility.
- If the address is a valid residential address, the Census Bureau must confront the issue if it is legal and reasonable to tabulate the prisoner at the residential address without checking the validity of the prisoner’s residency at the address provided. Depending upon the length of the incarceration, some addresses could be out-dated by several years. According to the Bureau of Justice Statistics data, based on the 1997 Survey of Inmates in State Correctional Facilities, an estimated 19 percent of inmates in state prisons served less than 12 months, 71 percent of inmates in state prisons served between 12 months and

119 months, and nearly ten percent served more than 120 months (i.e., ten or more years).²⁹

- Checking the validity of residency requires a new census operation because the Census Bureau would have to also interview the current residents at that address. This has Title 13 implications since the Census Bureau cannot ask the current residents if they know the prisoner who supplied the address.³⁰ The questions would have to be phrased similar to asking who should be included in the household and if they think they missed anyone, especially anyone who was in a jail, prison, or detention facility on Census Day. If the current residents do not mention the name of the prisoner who supplied the address, the Census Bureau would have to determine if it is reasonable to add the prisoner to the household at the address.
- In addition to legal/Constitutional requirements, tabulating prisoners at an address other than at the correctional facility has implications for household characteristics, such as household size. The inclusion of incarcerated people into households when they are not there will give the false impression that they may be contributing to family economic resources when, in fact, they are not. Alternatively, such inclusion could give the false impression that there are more demands on family economic resources than is actually the case. Such inaccurate descriptions may in turn mask or distort true needs of the community. This could be detrimental to local communities which decide to propose programs, distribute funds, or identify needs based on family structure (e.g., the need for more housing with more bedrooms based on the inclusion of people who are not living in the community).

7.2 Policy Issues

There will be unanticipated effects of changing the concept of usual residence.

In addition to apportioning the seats in the U.S. House of Representatives, the decennial census provides the basis for congressional and legislative district boundaries drawn by the states and for most local redistricting plans. Census data are also used in most formulas that distribute federal, state, and local funding. Consequently, any change in the way the Census Bureau counts prisoners will affect apportionment; congressional, state, and local legislative redistricting; and distribution of government funds.

- A change in the way the concept of usual residence is applied to prisoners will be inconsistent with how other Group Quarters populations (e.g., college students and military personnel) are tabulated.

²⁹ *Prisoners in 1998*, Bureau of Justice Statistics Bulletin, August 1999.

³⁰ 13 U.S.C. § 9(a) (West 2005).

- A change to tabulating prisoners at a “permanent home of record” address would result in prisoners not being included in the census population totals for the jurisdiction in which the prison is located even though they live and sleep in that jurisdiction.

Redistricting congressional and legislative boundaries is the responsibility of each state.

The Census Redistricting Data Office attended meetings with 35 states and the District of Columbia during calendar year 2005. The remaining states and the Commonwealth of Puerto Rico will host meetings during calendar year 2006. The purpose of the meetings was to provide information regarding the 2010 Decennial Census and the Census Redistricting Data Program. Issues such as where to count prisoners were discussed at each meeting.

Concern was expressed about changing the rule for tabulating prisoners. The concern primarily focused on the issue that other Group Quarters populations would be targeted for change.

8. Conclusion

Counting prisoners at a “permanent home of record” address, rather than at their place of incarceration, would result in increased cost both to the decennial census program and to the Federal, State, and local correctional facilities that would be required to participate in data collection efforts. Our study raises concerns that this change would result in decreased accuracy for a possibly large proportion of millions of individuals confined on Census day. The completeness of the census count would be compromised for prisoners that cannot provide a valid address, and we have no method of determining how many individuals would fall into that category. Further, a fundamental shift for the enumeration of correctional facilities would likely have a negative impact on other Group Quarters enumerations.