



# COUNTING FORMERLY INCARCERATED INDIVIDUALS IN THE 2020 CENSUS

## FACT SHEET



### WHY IS COUNTING EVERYONE – INCLUDING THE FORMERLY INCARCERATED – SO IMPORTANT?

Counting everyone ensures that your community gets its fair share of funding for programs like schools, childcare, health care, transportation, and housing. When the formerly incarcerated — or anyone else — aren't counted in the Census, it means communities, and the people in those communities, lose out on funding for these vital programs.<sup>1</sup>

### WHY IS IT PARTICULARLY IMPORTANT TO ACCURATELY COUNT FORMERLY INCARCERATED INDIVIDUALS?

Counting the formerly incarcerated presents unique challenges. Because the formerly incarcerated are more likely to have difficulty securing housing,<sup>2</sup> they may have more difficulty being counted by the Census. We also know that the 2010 “undercount” rate was about twice as high for black residents than white residents,<sup>3</sup> and that this undercount is particularly acute for those who have been or are in prison.<sup>4</sup> While how to count people *in* prison continues to be the subject of political debate,<sup>5</sup> we must work to ensure that the formerly incarcerated are counted in their communities.

### IS DATA COLLECTED BY THE CENSUS BUREAU PROTECTED?

Yes. Census data is protected by a law called “Title 13,” which states no private information – including names, addresses, social security numbers, or telephone numbers – obtained in the Census may ever be published in an individualized format.<sup>6</sup> If someone broke that law, they would face up to five years in prison or a \$250,000 fine.<sup>7</sup> Civil rights organizations have also [pledged](#) to monitor the 2020 Census to ensure there is no illegal data release.

### WHERE SHOULD PEOPLE IN ALTERNATIVE HOUSEHOLD TYPES BE COUNTED?

People are counted where they live and sleep most of the time. Because halfway houses, restitution centers, transitional living centers, and other group homes are “group quarters,” the facility (rather than each individual) is responsible for counting people within those living arrangements.<sup>8</sup> For more, reference [this resource](#) and [this federal regulation](#).

### HOW CAN I COMPLETE THE CENSUS?

The 2020 Census can be completed online, by phone, or by mail.<sup>9</sup>

- **Online:** Visit [my2020census.gov](https://my2020census.gov) to complete the Census online
- **By Phone:** Call (844)-330-2020 to complete the Census by phone
- **By Mail:** Some houses will receive a paper (mail) Census questionnaire between March 12-20. Others will receive the questionnaire later, only if they do not complete the Census online or over the phone. For more, use [this link](#).

### QUESTIONS OR PROBLEMS IN COMPLETING THE CENSUS?

Call the Lawyers’ Committee for Civil Rights Under Law’s Census Protection Hotline at 888-COUNT20 (888-268-6820) or email [888COUNT20@lawyerscommittee.org](mailto:888COUNT20@lawyerscommittee.org).

<sup>1</sup> *Counting Children in the 2020 Census: Frequently Asked Questions (FAQs)*, CENSUS COUNTS, 1 (2020), <https://censuscounts.org/wp-content/uploads/2020/03/Count-All-Kids-ENGLISH-FAQs.pdf>.

<sup>2</sup> Melissa Li, *From Prisons to Communities: Confronting Re-Entry Challenges and Social Inequality*, AM. PSYCHOL. ASS’N (Mar. 2018), <https://www.apa.org/pi/ses/resources/indicator/2018/03/prisons-to-communities>.

<sup>3</sup> Charmaine Runes, *Following a Long History, 2020 Census risks Undercounting Black Population*, URB. INST.: URB. WIRE – RACE & ETHNICITY (Feb. 26, 2019), <https://www.urban.org/urban-wire/following-long-history-2020-census-risks-undercounting-black-population>.

<sup>4</sup> *Id.*

<sup>5</sup> *See, e.g.*, PRISON GERRYMANDERING PROJECT, <https://www.prisonersofthecensus.org/> (last visited Mar. 19, 2020). Prisoners are currently counted in the U.S. Census where they live and sleep most of the time — that is, as living where they are incarcerated. *See* Final 2020 Census Residence Criteria and Residence Situations, 83 Fed. Reg. 5,525, 5,535 (Feb. 8, 2018) (to be codified at 15 C.F.R. pt. 1). This is a problem because counting people in prison at the prison facility gives unwarranted political power to districts that have prisons. *See* PRISON GERRYMANDERING PROJECT, <https://www.prisonersofthecensus.org/impact.html> (last visited Mar. 19, 2020). Some states have passed legislation to create a state-level census using home addresses of people in prison to adjust the U.S. Census data for redistricting to create a fairer districting process. *See* PRISON GERRYMANDERING PROJECT, <https://www.prisonersofthecensus.org/solutions.html#states> (last visited Mar. 19, 2020). However, the Census Bureau has refused to use this process nationwide. *See* Final 2020 Census Residence Criteria and Residence Situations, 83 Fed. Reg. at 5,528 (applying the “usual residence” rule to those in prison despite the public’s overwhelming desire to change this rule).

<sup>6</sup> FEDERAL LAW, [https://www.census.gov/about/policies/privacy/data\\_stewardship/federal\\_law.html](https://www.census.gov/about/policies/privacy/data_stewardship/federal_law.html) (last visited Mar. 19, 2020).

<sup>7</sup> *Id.*

<sup>8</sup> *See* Final 2020 Census Residence Criteria and Residence Situations, 83 Fed. Reg. at 5,535 (defining arrangements as “Correctional Residential Facilities”); GROUP QUARTERS ENUMERATION, <https://2020census.gov/en/conducting-the-count/gq/gqe.html> (last visited Mar. 19, 2020) (defining “Correctional Residential Facilities” as group quarters & laying out enumeration processes for Group Quarters).

<sup>9</sup> RESPONDING TO THE CENSUS, <https://2020census.gov/en/ways-to-respond.html> (last visited Mar. 19, 2020).