Attachment 8 – 60-day FRN comments

Good morning Laura,
Thank you for the opportunity to submit comments regarding data collection.

In my comments listed below I have evaluated whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility. I have evaluated whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced.

Considering it is estimated to take only 3 hours to complete each facility census form and there will be an increase of approximately 300 facilities in the 2019 collection, BJS can and should increase data collection.

I value and support the list of data BJS plans to collect, however, I strongly urge BJS to expand the scope of data collected in certain areas to include demographics and accessibility. Specifically;
- *Number of male and female prisoners under the age of 18 on the reference date*.

*Include the number of prisoners **18 years old** on the reference date, ie. "18 years old and under".

Note: Black children represent 52% of children whose cases are judicially waived to adult criminal court. There is a strong possibility that children incarcerated under the age of 18 will have turned 18 by the reference date. Justice reform advocates and state legislators need access to this type of data in order to develop and institute substantive reforms.

- *Number of prisoners held in maximum, medium, and minimum custody on the reference date*.

*Addition: Number of prisoners held in maximum, medium, and minimum custody by **racial category**.

Note: "My first lesson in racial discrimination happened at the maximum-security prison at Calipatria, CA... I thought every California prison was segregated. But when I transferred to San Quentin State Prison (a max., med. and min. security prison) in November 2016, after 15 years inside, I [saw] groups of black, white and Mexican inmates mingling together." -Jesse Vasquez is a student in the Prison University Project at San Quentin and the managing editor for the San Quentin News.

-*Number of prisoners who were not U.S. citizens on the reference date.*

*Include **race and country of origin**.

Note: There is an inaccurate perception that illegal immigrants are a significant and disproportionate source of crime in the United States. Based on 2016 American Community Survey data, the incarceration rate for illegal immigrants of all races and ethnicities is lower than the incarceration rate for native-born white Americans. Of all legal immigrants, those from Latin America, Other Asia, and Africa have the three highest incarceration rates. For illegal immigrants, those from Latin America have the highest

incarceration rate of any group. Justice reform advocates and state legislators need access to this type of data in order to develop and institute substantive reforms.

- *Number of prisoners housed in protective custody, administrative segregation, segregated for disciplinary reasons, or other restrictive housing on the reference date.*

*Addition: Number of prisoners housed in protective custody, administrative segregation, segregated for disciplinary reasons, or other restrictive housing **by racial category**.

Note: The Times analyzed 59,354 disciplinary cases from 2015. Systemwide, black inmates were 65 percent more likely to be sent to solitary confinement, where they are held in a cell 23 hours a day. Justice reform advocates and state legislators need access to this type of data in order to develop and institute substantive reforms.

-*Number of misconduct/disciplinary reports filed on prisoners over a one-year period.*

*Addition: Number of misconduct/disciplinary reports filed on prisoners over a one-year period **by racial category.**

Note: The Times analyzed 59,354 disciplinary cases from 2015. Systemwide, black inmates were 30 percent more likely to get a disciplinary ticket than white inmates.

-*Types of educational programs available to prisoners on the reference date.*

*Addition 1: **Availability and capacity** of each educational program available to prisoners.

Note: CLASP, 2016 - "The overall drop in correctional education budgets caused an average decrease in the capacity of academic education programs through reduced course offerings from 2009 to 2012. However, career and technical education programs actually increased by an average of 1 percent during the

recession. During this period of austerity, states began to reexamine their correctional education services to ensure they were cost-effective and offered positive outcomes for individuals."

*Addition 2: Enrollment data including **race, age and gender** of each educational program available to prisoners.

Note: BJS has collected this data in the past. From 2003: "The following groups of State prison inmates had participated in an educational program since their most recent admission to prison: 52% of males and 50% of females, 49% of whites, 54% of blacks, and 53% of Hispanics, 58% who were 24 or younger and 47% of those 45 or older"

-*Types of counseling or special programs available to prisoners on the reference date.*

*Addition: **Availability and capacity** of each counseling or special program available to prisoners.

*Addition: Enrollment data including **race, age and gender** of each counseling or special program available to prisoners.

Note: Justice reform advocates and state legislators need access to this type of data in order to develop and institute substantive reforms.

There is additional data that I believe the BJS should collect. Specifically;

-Number of prisoners returned to custody after revocation of supervised release (parole and other community supervision programs).

-Number of prisoners returned to custody after revocation of supervised release for term violations (not for new offenses).

-Number of misconduct/disciplinary reports filed on security staff over a one-year period.

I oppose the removal of the following items:

-*Number of confined prisoners sentenced to death on the reference date.*

-*Number of full-time and part-time payroll staff by racial category on the reference date.*

-*Number of part-time security staff by racial category on the reference date.*

-*Number of prisoners at the facility that had work assignments on the reference date.*

-*Whether the facility operates a work release program, and if so, number of prisoners participating in the program on the reference date.*

Thank you for taking the time to read my comments.

"*Injustice anywhere is a threat to justice everywhere*." — Martin Luther King Jr.

Elise Moore
Assembly Delegate, 46th District
Criminal Justice Reform Advocate
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