



March 11, 2021

**Submitted via [www.regulations.gov](http://www.regulations.gov)**

U.S. Department of Justice  
Office of Justice Programs  
Bureau of Justice Statistics

**Re: OMB No. 1121-NEW ([federalregister.gov/d/2021-02663](http://federalregister.gov/d/2021-02663))**

Thank you for this opportunity to provide comments to the National Prisoner Statistics Program: Coronavirus Pandemic Supplement (NPS-CPan) proposed survey on the prison response to the coronavirus disease (COVID\_19) between March 2, 2020 and February 28, 2021.

The National Disability Rights Network (NDRN) is the non-profit membership association of Protection and Advocacy (P&A) agencies that are located in all 50 States, the District of Columbia, Puerto Rico, and the United States Territories. In addition, there is a P&A affiliated with the Native American Consortium which includes the Hopi, Navajo and San Juan Southern Paiute Nations in the Four Corners region of the Southwest. P&A agencies are authorized under various federal statutes to provide legal representation and related advocacy services, and to investigate abuse and neglect of individuals with disabilities in a variety of settings. The P&A System comprises the nation's largest provider of legally-based advocacy services for persons with disabilities, including advocacy to improve conditions in correctional institutions and during the re-entry process.

Prisoners with disabilities, including those with a wide range of medical conditions as well as older prisoners with age-related disabilities, are uniquely vulnerable to serious complications and potential fatalities from infection with SARX-Cov-2, the coronavirus believed to be the cause of the illness COVID-19. Unfortunately, state and federal prison systems have not tracked the experiences of prisoners with disabilities during the period since March 2020, when the first cases of COVID-19 were detected in the United States. According to the Bureau of Justice Statistics survey of jail and prison inmates in 2011-2012 (<https://www.bjs.gov/index.cfm?ty=pbdetail&iid=5500>), 32 to 40 percent of prisoners have at least one disability. This is the most recent such survey completed.

The failure to collect and aggregate data about prisoners with disabilities has hampered efforts to safeguard the health of prisoners with disabilities who may potentially become infected with SARS-Cov-2, or are already infected. Such data can highlight the need for special precautions to prisoners most vulnerable to serious COVID-19 illness and to better inform expedited release decision-making due to the COVID-19 pandemic.

NDRN proposes two modifications to the proposed NPS-CPan survey as described in the *Federal Register* notice dated February 9, 2021:

First, the announcement proposes surveying “the total number of persons who received expedited release from prison due to the COVID-19 pandemic and criteria for deciding which prisoners received expedited release.” This useful information should be supplemented with a breakdown of how many prisoners were released under each criteria. For example, if a state had a criteria based on medical and/or disability factors, that state should indicate how many prisoners were released under these criteria, separated out from the number of individuals released because of pending parole applications, a pending short-term release date and other criteria.

Second, the announcement proposes surveying “[T]he age, sex, and race/Hispanic origin of prisoners dying from COVID-19.” This information should be supplemented with information about the disability status of prisoners whose deaths are attributed to COVID-19. It is important to collect information about how many prisoners who died from COVID-19 had pre-existing disabling medical conditions (e.g., severe diabetes, heart disease, etc.) as well as how many had other disabilities like serious mental illness, mobility impairments and other physical disabilities, and developmental or intellectual disabilities. This information should be readily available to prison officials as it can be found in the medical files of individual prisoners who have died, which is in the possession of those officials. If the disability status of the deceased is unknown, that information is also pertinent to this survey.

Thank you for considering these proposed additions to the National Prisoner Statistics Program: Coronavirus Pandemic Supplement (NPS-CPan) proposed survey. Please contact Phil Fornaci, Staff Attorney, at [philip.fornaci@ndrn.org](mailto:philip.fornaci@ndrn.org) should you have any questions or concerns with these comments.

Sincerely,



Curtis L. Decker  
Executive Director