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Laura Maruschak, Statistician
Bureau of Justice Statistics
810 Seventh Street NW
Washington DC 20531
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RE: OMB Number 1121-0NEW, FR Doc. 2023-25644, National Prisoner Statistics Program: Maternal Health Supplement (November 21, 2023)

Dear Ms. Maruschak,

Thank you for the opportunity to comment on FR Doc. 2023-25644, the proposed New Collection request to the Office of Management and Budget (OMB). I represent the Prison Policy Initiative, a non-profit, non-partisan research and advocacy organization focused on topics related to incarceration and the criminal legal system. We are grateful to the Bureau of Justice Statistics for its thorough data collection and frequent reporting on topics of great interest to us, including data from the National Prisoner Statistics (NPS) program. To that end, myself and other researchers at Prison Policy Initiative are invested in the scale and scope of data collection regarding incarcerated populations.

We support the proposed Maternal Health Supplement ("NPS-MatHealth survey") to the NPS program. There have long existed data gaps on maternal health and incarceration, even though research suggests that incarceration may have an impact on pregnancy, pregnancy outcomes, and the physical and mental health of pregnant people. As you are probably aware, little is known about how many pregnant people are admitted to or released from correctional facilities each year, let alone the pre- and post-natal care, pregnancy outcomes, and any other health conditions experienced by incarcerated women while in custody.¹

Our comment centers on suggestions regarding the types of data collected through the proposed NPS-MatHealth survey. Some of our suggestions stem from questions that remain after reading through the Federal Register Notice 2023-25644.

¹ See Jennifer Bronson & Carolyn Sufirin, *Pregnant Women in Prison and Jail Don't Count: Data Gaps on Maternal Health and Incarceration* (2019), available at <https://journals.sagepub.com/doi/10.1177/0033354918812088>.

1. We suggest ensuring the following pregnancy outcomes are included in survey questions about “the number of pregnancy outcomes by outcome type”: Live births; miscarriages; abortions; stillbirths; preterm (24 to 36 weeks) and early preterm (20 to 23 weeks, 6 days) births; cesarean deliveries; ectopic pregnancies; instances of low birthweight; neonatal deaths (newborn death within the first 28 days of life); maternal deaths. Although the Centers for Disease Control and Prevention (CDC) regularly collects these data for the US population based on birth and death records,² they do not track the incarceration status of people attached to such outcomes.

Additionally, we suggest the following information be collected regarding pregnancy outcomes:

- a. Pregnancy outcomes by location (e.g. in an off-site medical facility; an on-site medical area, or an on-site non-medical area, such as a cell or common area);
 - b. Pregnancy outcomes by race/Hispanic origin;
2. We suggest ensuring the following are included in survey questions about “maternal health services and accommodations among state DOCs and the BOP”:
 - a. The number of pregnant people between January 1 and December 31, 2023, whom:
 - i. Have received an obstetric exam;
 - ii. Are receiving a special diet or supplemental nutrition tailored to the needs of a pregnant person;
 - iii. Have been diagnosed with opioid use disorder (OUD), and the number who are receiving treatment for a diagnosed OUD
 - b. The number of jurisdictions (among 51 respondents) on December 31, 2023, which:
 - i. Provided screening for high-risk pregnancies and/or risk factors for a high-risk pregnancy, based on maternal or fetal risk factors;
 - ii. Allowed lactation (expressing human milk either through breastfeeding or pumping) for people in custody with infants;
 - iii. Maintain a department-wide policy on pregnancy nutrition standards;
 - iv. Maintain a department-wide policy regarding abortion;
 - v. Maintain a department-wide policy regarding contraception (both reversible and permanent);
3. Finally, we suggest the following metrics be collected through the survey:

² See Centers for Disease Control and Prevention, National Vital Statistics System, Birth Data, available at <https://www.cdc.gov/nchs/nvss/births.htm>.

- a. The number of admissions of pregnant people between January 1 and December 31, 2023, by age or age group;
- b. The number of releases of pregnant people (i.e., those without a pregnancy outcome) between January 1 and December 31, 2023;
- c. The most serious offense for which pregnant people on December 31, 2023 are incarcerated;
- d. Time served by pregnant people incarcerated on December 31, 2023.

We urge the Bureau of Justice Statistics to examine the scope of the NPS-MatHealth survey. Given that respondents will already be devoting some time to completing the survey and accessing maternal health data, we do not feel the additional time or cost burden is significant. Thank you for providing the opportunity to present this comment.

Sincerely,

Leah Wang
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