



**VOTE | Voice of the Experienced**

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November 14, 2022

Department of Commerce

U.S. Census Bureau

acso.pra@census.gov

**RE: Public Comments  
American Community Survey Comments  
Docket Number USBC-2022-0014**

Dear Sir/Madam:

Please accept the following comments on behalf of Voice of the Experienced (VOTE) concerning the proposed revision of the American Community Survey (ACS).

VOTE is a non-profit organization based in Louisiana, a state with one of the highest incarceration rates in the United States. VOTE is an organization founded and led by formerly incarcerated individuals working to change the system of mass incarceration. Through grassroots organizing and education, VOTE works to restore the voting rights of the formally incarcerated, advocates for improved health care inside of correctional facilities, and supports the employment and housing rights of the formally incarcerated.

VOTE engages with individuals across Louisiana, specifically current and formerly incarcerated people and their loved ones. The organization reaches roughly 100,000 people each year. At the heart of VOTE's constituency are 34,000 people incarcerated by the state of Louisiana. They are 94% men and 67% Black.

In light of VOTE's mission and goals, the organization offers the following comments on the proposed revisions of the ACS:

**I. Changes in group quarters data gathering.**

According to the federal registrar notice, the ACS correctly considers a correctional facility as a group quarter. *See* 87 Fed. Reg. 55990, 55991 (Sep. 13, 2022). However, VOTE is troubled that correctional facilities are the only category to be excluded from the ACS' expansion of its data collection operation. *Id.* (stating "[t]he Census Bureau believes there is value in offering a self-response option to people living in certain types of group quarters—college/university student housing, group homes, military barracks, workers' group living quarters and Job Corps centers, and emergency and transitional shelters."). In order for the ACS to accurately correct data, it must collect sample data from correctional facilities across the United States. Currently, almost 2 million individuals incarcerated in jails and prisons throughout the United States, that is 573 of every 100,000 residents live behind bars. *See* Wendy Sawyer et al., *Mass Incarceration: The*



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*Whole Pie 2022* (Mar. 14, 2022), available at <https://www.prisonpolicy.org/reports/pie2022.html>. With such a large number of U.S. residents living in prisons and jails, it is essential that the ACS incorporate ways in which to collect data from these facilities.

The ACS has indicated that its method of collecting data for group quarters is through “personal interview and telephone interview,” and that in 2024 “respondents in some group quarters will have the option to self-respond to the survey online.” 87 Fed. Reg. 55992. Again, correctional facilities are excluded from data collection through either personal interview, telephone interview or a self-response in a survey online. VOTE contends that the ACS should develop a means of collecting data from correctional facilities.

## **II. Use of Administrative Data**

Furthermore, VOTE is concerned that ACS’ use of administrative data in 2024 will not accurately reflect important demographic information of the country’s incarcerated population. VOTE understands that the ACS and US Census Bureau rely on the Census of State and Federal Adult Correctional Facilities conducted by the Bureau of Justice Statistics. However, this census data is gathered from the prison, rather than those imprisoned and thus fails to accurately gather data things like the sex and race of those behind bars. For instance, the Louisiana Department of Corrections demographic data on race is inaccurate as it only accounts for individuals who are “black” or “white.” See e.g. <https://doc.louisiana.gov/demographic-dashboard/> (last visited Nov. 14, 2022). There are no distinctions for incarcerated residents with other ethnicities and races such as American Indian, Asian and/or Asian American, and/or Hispanic. In addition, the DOC data on sex is reflective of an incarcerated individual’s sex at birth, and thus fails to account for individuals who are transgender.

For this reason, VOTE requests the ACS to reevaluate its use of administrative data concerning those imprisoned in the United States. VOTE also requests that the Census of State and Federal Adult Correctional Facilities conducted by the Bureau of Justice Statistics change the method in which it gathers data, so that the agency requests demographic data from the individuals incarcerated rather than from their jailer. If you have questions or require additional information, please do not hesitate to contact me.

Sincerely,

Emily H. Posner

Staff Attorney

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