

OMB Questions and OJJDP Response Regarding
Juvenile Residential Facility Census (JRFC) Collection

1. How does the collection of juvenile deaths in custody data overlap with BJS's collection under the Deaths in Custody Reporting Act? What coordination is done between the two agencies related to reporting on this topic? What analysis of the differences in reported numbers has been conducted?

The collections may appear to overlap, but in general have different purposes and are not really comparable. OJJDP began its development of the JRFC in the late 1990s, and first implemented the collection in 2000. The purpose of the JRFC is to collect information about the activities, services and incidents within the facility (including deaths). One of the greatest strengths of the JRFC is its utility as a research (rather than monitoring) data collection, and its ability to link with the data from its partner data collection effort, OJJDP's Census of Juveniles in Residential Placement (CJRP), which is administered in alternating years. The JRFC collects information from all juvenile residential placement facilities holding youth who are awaiting or have been adjudicated for a status or delinquency offense.

BJS was tasked with implementing the "Deaths in Custody Reporting Act of 2000" in 2001. The law amended the VOI/TIS correctional grant authorization, requiring all States to report records of custodial deaths (including local jails, State prisons and juvenile correctional facilities) to the Department. Unlike OJJDP's JRFC, BJS's collection is exclusively focused on deaths in custody, and focuses only on State level agencies and facilities (which represents only a portion of juvenile facilities nationwide).

When BJS began collection of deaths in juvenile facilities in 2002 (in response to the Act), they had discussions with OJJDP about how to best collect this information. At the time OJJDP was already collecting information (though far less detailed) on deaths in custody through the JRFC. OJJDP felt it was important to keep its deaths in custody information linked to the other JRFC and CJRP data elements, and did not want to eliminate these questions (especially for the those facilities not covered by the BJS collection). At that time, OJJDP also advocated for keeping all of the collections under the Act under one roof, at BJS. So BJS proceeded to collect records from State-level juvenile systems, but never managed to extend coverage to the variety of county/municipal and private juvenile detention facilities. In most years, only a single-digit number of deaths were reported through the BJS collection, despite coverage of all States. In contrast, OJJDP's numbers average between 24 to 30 deaths a year.

On December 31, 2006, the Act requiring these collections expired, and given the passing of this mandate, BJS intends to pause their collection program, while taking a fresh look at how to best collect these records in the future. OJJDP has met with BJS to discuss potentially taking over part of their Deaths in Custody Reporting activities for juveniles, possibly by adding some items from BJS' forms to the JRFC Deaths in Custody section at some point in the future. In the short term, however, OJJDP simply plans to continue its regular JRFC data collection activities which include the already established JRFC items on Deaths in Custody. If, at some point in the future, OJJDP wants to add additional questions, the agency will submit a new OMB PRA request.

2. Under Purpose, OJJDP gives one reason as “collection of stratification information for further sampling.” Please provide more detail on what follow-up collections are done using this sample.

Recently, this sample has been used by BJS in its work on the juvenile component of the various Prison Rape Elimination Act (PREA) data collections—specifically to identify a sample of facilities to go to for these collections (both the Administrative collection and the Survey of Facility Youth. In addition, the sample was used in 2003 for implementing OJJDP’s Survey of Youth in Residential Placement (SYRP), which surveyed a national sample of youth in juvenile placement.

3. What public comments were received and what was OJJDP’s response?

No public comments were received.

4. Under Methods to Maximize Response Rates, the first bullet says there is electronic reporting, yet other parts of the document indicate a mail-back census. What electronic reporting options are available and how are they administered?

Sorry, this was an error. There is no electronic reporting with this collection.

5. Please provide all auxiliary documents associated with this collection such as an advance, follow-up letters, etc.

Attached are copies of the advance letter and cover letter that accompany the JRFC form.

6. Please provide more information about the status of implementing the OJJDP Disclosure Review Board and its likely composition (by expertise).

OJJDP has been working with the National Archive of Criminal Justice Data (NACJD), housed at the University of Michigan’s Interuniversity Consortium on Political and Social Science Research (ICPSR) to have OJJDP’s research grantees and contractors submit their data to be archived for use by other researchers. All research grants and cooperative agreements have a special condition requiring the submission of all data files to the archive. Further, Department of Justice Standards for Information Dissemination require transparency, and, in some cases reproducibility, of findings published by the agency. Making public use data files is an important step in this process. Also, the added value of archiving data for secondary analysis is that for a fraction of the cost of original data collection, many more research questions can be answered by others once the data are made publicly available. There are, however, limits to what can be made available publicly due to promises of confidentiality.

The NACJD has recently invested in an interactive online data analysis tool, SDA, created by the University of California at Berkley, for use with all of its archived data sets. Another archive at ICPSR which handles the production of substance abuse and mental health data (SAMHDA) for the Substance Abuse and Mental Health Services Administration (SAMHSA) has been working on these joint problems for seven years. In 2000, SAMHDA created a Disclosure Review Committee (DRC) consisting of a Chair and 6 faculty members, 5 from the University of Michigan and one from Carnegie Mellon University. The Chair, Dr. O’Rourke, and committees members are considered leaders

in the field and have published its methods in respected journals and have presented their research at several national conferences. Essentially the committee examines the raw data for ways in which a respondent's identity could be revealed by someone who knew enough about the characteristics of an individual (date of birth, age, race, sex, offense, etc.) or facility (geographic location, size, function, etc.) and then apply various statistical methods to mask the identify of subpopulations within the file who may be vulnerable to identity disclosure. The SAMHDA DRC has experimented with a number of disclosure limiting techniques and have summarized their methods in a recent journal article.¹

Typically, the disclosure review functions in the major Federal statistical agencies are handled by an internal committee of agency employees (e.g., Census Bureau, National Center for Education Statistics, Bureau of Labor Statistics, etc.). Given ICPSR's extensive experience in this area and OJJDP's working relationship with NACJD, expanding the current interagency agreement with NACJD to incorporate the disclosure review function is the most efficient route to launch this new disclosure review effort. Under such an arrangement, a new disclosure review board (DRB) would be established which to review OJJDP data sets and make recommendations on disclosure limitation solutions for OJJDP approval. Similar to the SAMHDA DRC, the NACJD staff, who have extensive experience working with OJJDP data files, would do the groundwork necessary for the committee's deliberations and development of a final data protection plan for submission to the OJJDP Research Coordinator for approval. As indicated by the attached graphic, the DRB would review all public use files released under the NACJD, including both Census Bureau and other research projects. More detailed plans for the scope of work and operations of the DRB (including likely members/expertise) will be outlined in a modification to the interagency agreement. Once the modification has been finalized (by December 2007), OJJDP will forward a copy to OMB.

¹ O'Rourke, J., et.al. "Solving Problems of Disclosure Risk While Retaining Key Analytical Uses of Publicly Released Microdata" in *Journal of Empirical Research on Human Research Ethics*, PP. 63-84.

7. The Race/Ethnicity question should have an option to select more than one. Please include that option.

OJJDP would like to recommend instead that we revise p. 25 Q. 3.e. Race, to reflect the same language that is being used by the Census of Juveniles in Residential Placement (CJRP) OMB #1121-0218. The race question language in the CJRP was changed in 2006 as a result of the OMB PRA review of the CJRP in 2006. The new language reads as follows:

[See p. 8, Question 4. of the attached CJRP form.]

4. What is this person's race?
Enter the code on the line
 1. White, not of Hispanic origin.
 2. Black or African American, not of Hispanic origin.
 3. Hispanic or Latino (i.e., Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin), regardless of race.
 4. American Indian/Alaska Native, not of Hispanic origin.
 5. Asian, not of Hispanic origin.
 6. Native Hawaiian or other Pacific Islander, not of Hispanic origin.
 7. Two or More Races, not of Hispanic origin – *Specify*

For definitions of these categories, please refer to page 18.

Page 18 of the CJRP form includes the following information:

The Federal Government uses the following definitions for the various racial categories.

White – A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Black or African American – A person having origins in any of the black racial groups of Africa.

Hispanic or Latino – A person of Cuban, Mexican, Puerto Rican, South or Central American or other Spanish culture or origin, regardless of race.

American Indian or Alaska Native – A person having origins in any of the original peoples of North America and South America (including Central America) and who maintains tribal affiliations or community attachment.

Asian – A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Native Hawaiian or other Pacific Islander – A person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.

Two or More Races, not of Hispanic origin – Refers to combinations of two or more of the following race categories: White, Black or African American, American Indian/Alaska Native, Asian, Native Hawaiian or other Pacific Islander. In cases of Hispanic origin, regardless of race(s), mark "Hispanic or Latino".

8. Part A #15 on page 11 refers to changes outlined below. But there are no changes that are outlined. Please provide this information. It would be great if it includes motivation for changes.

There are very few changes to the form. Some formatting changes were made based on feedback from respondents. These changes are the result of tracking the questions and inquiries received from data providers when completing the questionnaire. Whenever possible, the form is simplified to provide clarity and detail in the questions being asked.

The primary change to the form is the addition of questions 14 through 17 (pages 12-14) which ask about the vaccine/immunization practices of the facilities. These questions were added at the specific request of the Centers for Disease Control's Vaccines for Children program, who provided funding to OJJDP through an IAA in FY 2007. CDC's Vaccines for Children program worked with OJJDP to develop and test appropriate questions for the facilities prior to inclusion in the form.

None of the changes are expected to change the level of burden on the respondent nor the cost burden to the Federal Government.