

SUPPORTING STATEMENT

A. Justification

1. Necessity of Information

In the twelve months ending June 30, 2006, the nation's prison population rose 2.8%. There were 1,556,518 prisoners under the jurisdiction of federal or state correctional authorities at midyear 2006. The incarceration rate reached 497 per 100,000 U.S. residents, up from 481 on June 30, 2000. The three largest jurisdictions (the Federal system, California, and Texas) accounted for more than a third of all prisoners under State or Federal jurisdiction. At midyear 2006, private prisons held 7.2% of inmates under jurisdiction, up from 6.5% in 2000. The number of persons under age 18 held in State prisons increased for the first time since 1995 (up 156 persons to 2,364). Between midyear 2005 and midyear 2006, the female prison population grew 4.6%, compared to a 2.7% increase in the male prison population. Women made up 7.2% of the prison population on June 30, 2006, up from 6.1% at yearend 1995.

The Bureau of Justice Statistics (BJS) collects the National Prisoner Statistics, Prisoner Population Midyear counts (NPS-1A) for June 30, the Advance Year-end Counts (NPS-1B) for December 31, and the Summary of Sentenced Population Movement (NPS-1) for January 1 to December 31 movement each year. These data have been collected and published annually since 1926. The NPS-1A provides information on the number of State and Federal prisoners in correctional facilities (including private facilities and local jails), as well as racial composition of inmates, number of inmates under the age of 18, and the number of non-citizen inmates. The NPS-1B collection provides an advance count of the number of persons in correctional facilities and data on prison capacity. Finally, the NPS-1 collects information on the number and movements of persons under the jurisdiction of the nation's correctional institutions; the number and type of admissions and releases; the system-level number of inmate deaths and causes of death by gender; prisoners with sentences of 1 year or less, and of more than 1 year; racial composition; prison crowding; prisoners held in private facilities; HIV testing policies; and the prevalence of HIV/AIDS among State and Federal prisoners.

Currently, these three collections are under two OMB numbers. The NPS-1A and NPS-1B are under OMB number 1121-0102 and the NPS-1 is under OMB number 1121-0078 (see Attachment 1 for 2006 forms). BJS would like to accomplish two things in this clearance. First, we would like all National Prisoner Statistics to be under one OMB number, 1121-0102. Second, we would like to simplify the collection for our respondents by combining the items from the NPS-1B and NPS-1 into one form, to be called the NPS-1B (see Attachment 2 for proposed new 1B form; NPS-1A will remain the same).

The information gathered in the National Prisoner Statistics series is not obtainable from any other data source. The NPS-1A is the source of data for tracking the Nation's prisoner population at midyear. The Midyear counts, along with the yearend counts in current NPS-1B and NPS-1, offer a consistent benchmark to assess policies that impact

the incarcerated population, and, in conjunction with other BJS surveys, to provide two “point-in-time” estimates of the prevalence of incarceration in the United States. The NPS-1 is the only Federal collection of information on admissions by type, including new court commitments, parole violators, transfers from other jurisdictions, and escapees returned to incarceration. Also, it is the only Federal data base on detailed release information on expirations of sentence, commutations, supervised mandatory releases, paroles, and transfers to other jurisdictions.

These data form the basis for historical trend analysis and are currently used by the U.S. Department of Justice, Congress, journalists, researchers, students, and the individual states as a source of national and comparative data on prison population and prison crowding. The NPS series as a whole is a source of valuable information for criminal justice planning and policy development.

The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. 3732) authorizes the Department of Justice, Bureau of Justice Statistics (BJS) to compile data on the movement of State and Federal prisoners. Through an interagency agreement, the U.S. Bureau of the Census collects these data for BJS.

2. Needs and Uses

The detailed summaries of the sentenced prison population in the NPS series, combined with data from other sources, provide information with which decision makers can measure the effects of sentencing and release policies on the sources of growth and change in the inmate population. By gathering annual admission, release, and standing population figures, the NPS series establishes the baseline data on which agencies and communities are developing approaches to effectively respond to the changing composition of the prison population, and the needs of offenders returning to the community following incarceration.

BJS makes the NPS data available to correctional administrators and staff, Congress, researchers, and the public through detailed tables published on the Internet at the BJS web site, and in reports on the status of the corrections population at the end of each year, including *Probation and Parole in the United States, 2006* (NCJ 220218), *Prisoners in 2006* (NCJ 219416,) and *Prison and Jail Inmates at Midyear 2006* (NCJ 217675). In addition to these annual reports, BJS publishes a snapshot of the HIV prisoner population from this data, *HIV in Prisons, 2005* (NCJ 218915). The NPS series further provides information on policy concerns including juvenile prisoners, non-citizens, racial composition, and reentry issues. In addition, the release information provides the reentry initiative partnership - which includes law enforcement, corrections, labor and human health services, and the community - with valuable information to develop programs and allocate resources for the nearly 80 percent of State inmates who will return to the community under conditional release supervision.

The NPS series is a highly referenced national source for analyzing and modeling prisoner flows and their relationship to changes in prison populations. The data are

regularly cited in the U.S. Media, journal articles, by advocacy groups, members of Congress, and other stakeholders. Recent scholarship have used the NPS data to study state-level changes in incarceration rates in relation changes in states' sentencing policies; the impact of incarceration on crime; and describing the size of prisoner reentry populations, including returns to prison for violations of conditional release. The collection also compliments the National Corrections Reporting Program (NCRP), which gathers individual records for all admissions and releases to and from State prisons for participating jurisdictions.

In addition to being used to describe movements of sentenced prisoners, the NPS also is used to measure changes in the number of prisoners serving sentences of more than 1 year. This demarcation—between those serving more than 1 year and all prisoners—enhances comparability among states, as states vary on the types of prisoners that they hold, including some unsentenced prisoners and prisoners serving less than 1 year. The NPS data on admissions of probation violators, as well as other conditional release violators, are used to describe movements of offenders under correctional supervision between various stages of the criminal justice system. BJS uses the NPS data to complement information gleaned by other BJS collections, such as NCRP data and the Survey of Inmates in State and Federal Correctional Facilities.

BJS attends the American Correctional Association conference twice a year and addresses the Association of State Correctional Administrators at each meeting to brief them on findings from the collection, the status of current collections, changes in the works, as well as receive any feedback they have on the collection and BJS reports. We emphasize that any and all input they have for survey items, implementation, and collection are important to us.

In terms of formal communication, we send copies of the survey for feedback from jurisdictions in two instances: 1) if there are changes to the survey items (not applicable for this recent collection, as we are simply combining existing surveys to reduce overall burden) and; 2) upon each OMB submission.

If these data were no longer collected, the data users would be faced with performing their individual functions without the benefit of adequate historical and current facts on the subject. Legislative, judicial, and executive government decision-makers would lose a source of valuable information for criminal justice planning and policy formulation if this data series was discontinued.

The data are used by Department of Justice officials and officials of other Federal agencies, State and local officials in conjunction with jail administrators, researchers, and planners to analyze the current trend and growth patterns, and the public seeking information. Users of this data include the following:

Congress – to evaluate the adequacy of correctional facilities to meet growing inmate populations and to assess the needs of States and Federal Bureau of Prisons for more housing space relative to crime and incarceration rates;

National Institute of Corrections – to evaluate State and Federal prison conditions, establish standards, and assess the needs for technical assistance and training for prison staff and administrators;

National Institute of Justice – to provide a comparative analysis of prison and jail conditions;

Federal Bureau of Prisons – to evaluate prison crowding in Federal facilities and to assess the budgetary and material requirements to meet growing inmate populations;

State corrections officials – to assess conditions within their own jurisdictions relative to others and to determine needs and budget requirements;

Researchers – to estimate the impact of incarceration on crime, as well as evaluate correctional and criminal justice policies;

The public – to make informative decisions about crime and punishment within their own jurisdictions.

3. Use of Technology

The NPS-1A and NPS-1B are mail questionnaires with an on-line form reporting option that simulates the paper form. The web option is very popular; 43 of 51 respondents (84%) submitted their 2006 NPS-1B on the web. We continue to receive positive feedback from the respondents regarding the web collection.

4. Efforts to Identify Duplication

This research does not duplicate any other questionnaire design work being done by any other Federal agencies. BJS is the only Federal government agency that collects comparable data on inmates in State and Federal prisons. In an effort to reduce burden of the collection, this submission seeks to combine the data items in the NPS-1B and the NPS-1 into a single form, to be called the NPS-1B. In addition, the items on death and causes of death are eliminated because we get this information in the Deaths in Custody collection (OMB 1121-0249).

The NPS series complements other BJS collections on prisons and prisoners, including the National Corrections Reporting Program (NCRP) and the Survey of Inmates in State and Federal Correctional Facilities (SISFCF). The NCRP collects individual records on all admissions and releases to and from state prison from participating states; participation varies between 38 to 42 states. Although the NCRP is not a complete enumeration, we can compare the data with the flows and types of releases and admissions we get in the NPS and make national estimates with greater confidence. NCRP also provides age and expected release date, which allows for estimates on length of stay that can be applied to the aggregate totals obtained from NPS.

The SISFCF, or inmate survey, allows us to interview a large nationally representative sample of inmates on specific topics including criminal history, socioeconomic conditions, drug and alcohol use and treatment, mental health and medical problems, and participation in prison programming. We use information from the survey, conducted every 5-6 years due to collection costs, to make estimates for the prison population on certain characteristics and demographics. One of the most common uses is to adjust the race and ethnicity distributions provided by the NPS to reflect the differences between administrative data and self-reported data.

5. Impact on Small Businesses

This research does not involve small businesses or other small entities. The respondents are State Department of Correction and the Federal Bureau of Prisons.

6. Consequences of Less Frequent Collection

BJS believes that reducing the collection from three forms (NPS-1A, NPS-1B, NPS-1) to two (NPS-1A and NPS-1B, will positively impact the ability to report prisoner counts and demographic information in a timely manner. Collection twice a year is necessary as policymakers and practitioners rely on our reports to make planning decisions; less frequent collection would leave a gap in the population count, which can change significantly over a six-month period.

7. Special Circumstances Influencing Collection

There are no special circumstance in conducting this information collection. Collection is consistent with the guidelines as listed in 5 CFR 1320.6. These data will be collected in a manner consistent with the guidelines in 5 CFR 1320.6.

8. Federal Register Publication and Outside Consultation

The research under this clearance is consistent with the guidelines in 5 CFR 1320.6. The 60 and 30-day notices for public commentary will be published in the Federal Register.

BJS has consulted with the U.S. Census Bureau, State Departments of Correction staff, and criminal justice experts in order to improve survey methodology, data collection, reporting procedures, data analysis, and presentation. The following individuals have been consulted on the current modifications to the NPS-1A and NPS-1B:

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9. Payment or Gift to Respondents

No gifts or incentives will be given.

10. Assurance of Confidentiality

According to 42 U.S.C. Section 3735, the information gathered in this data collection shall be used only for statistical or research purposes, and shall be gathered in a manner that precludes their use for law enforcement or any purpose relating to a particular individual other than statistical or research purposes. Respondents are notified that BJS will publish the aggregate counts provided. We do not get data from individual prisons in the collection, but rather from the central Department of Correction, so no single facility is submitting data to be published separately. No individually identifiable information is provided. Small cell size occurs mainly in the death categories, but these deaths are already public information. All other counts are simply too large to attribute to an individual.

Respondents are informed in the cover letter that participation in this data collection effort is voluntary.

11. Justification for Sensitive Questions

Not applicable. There are no questions of a sensitive nature included in the NPS series.

12. Estimate of Hour Burden

There are 51 respondents; the 50 states and the Federal Bureau of Prisons. Under this revised collection that combines the NPS collections into one OMB number and reduces the burden by one form by combining the NPS-1B and NPS-1 questions, it is estimated that each of the 51 respondents will use 1.5 hours to complete the NPS-1A form and 6.5 hours to complete the revised NPS-1B form (see Attachment 2). Collectively, it is anticipated that respondents will devote 408 person hours per year to complete the NPS-1A and NPS-1B. By reducing the collection by one form, we are relieving each respondent of an estimated 1.5 hours per year, for a total savings of 76.5 burden hours across the 51 jurisdictions.

This new estimate will appear to be higher than the burden previously published under OMB number 1121-0102. This is because we are requesting that the burden from OMB number 1121-0078 be added under 1121-0102. At the same time, we are deducting 76.5 hours (with the elimination of one form at 1.5 hours x 51 respondents) for a net savings of 76.5 hours per year to collect NPS data.

NPS-1a remains unchanged. Both NPS-1B and NPS-1 collect the same population data in items 1-5. The 1b collected additional information on capacity in item 6. The NPS-1 collected additional information on race (item 6), population flows (items 7, 8, 9), deaths (item 11), and HIV information (items 11 and 12). By combining these forms, we have one final form with population counts, capacity, race, flow, and HIV info. We have dropped the redundancy of collecting questions 1-5 twice for the same time period, as well as the deaths by cause counts because we get this information in the Deaths in Custody collection. Thus, the new NPS-1B is one collection with 12 items.

13. Estimate of Respondent Cost Burden

Respondents will incur costs associated with their time to respond. The information requested is normally maintained electronically as administrative records in state departments of correction. At an estimate of \$30 per hour, both the NPS-1A and NPS-1B are estimated to take 8 hours per year for a total cost of \$240 per jurisdiction. The estimated cost burden for all 51 respondents is \$12,240. By reducing the collection by one form, we are relieving each respondent of an estimated 1.5 hours per year, or \$45, for a total savings of \$2,295.

14. Estimated Cost to Federal Government

The cost to the Federal Government for the NPS-1A and revised NPS-1B is estimated to be \$165,523 for fiscal year 2007. We do not yet have Inter-Agency Agreements in place with our collection agent, the U.S. Census Bureau, covering the entire collection period, but we estimate an annual increase of 5% in costs.

Census Bureau data collection costs – \$130,000

Salary: \$49,200

Benefits: \$28,100

Overhead: \$50,000

Other Administrative Costs: \$2,700

Bureau of Justice Statistics costs - \$28,373

10% GS-12, Statistician (\$5,930)

5%, GS-15, Supervisory Statistician (\$5,720)

5% GS-14, Chief Editor, (\$5,000)

Benefits (@ 20% - \$4,995)

Other administrative costs (\$6,728)

Publication production and dissemination costs - \$7,150
Printing (\$2,623)
Postage and handling (\$4,527)

15. Reasons for Change in Burden

The total burden for the NPS collection under 1121-0102 appears to increase by 252 hours because we are requesting that the burden from OMB number 1121-0078 be added to 1121-0102. At the same time we are eliminating the hours requested under 1121-0078 and reducing the burden from three forms to two for a net savings of 76.5 hours per year to collect NPS data. See Section A-12 for a full explanation.

16. Plans for Publication

BJS will analyze these data and prepare a detailed report on prison population and characteristics twice a year. BJS publishes the NPS data a few months after collection in a Midyear Report and a Year-end Report. The data will be made available to the public through the Internet on the BJS website less than a year after they are collected.

17. Expiration Date Approval

The OMB Control Number and the expiration date will be published on the NPS-1A and NPS-1B forms.

18. Exceptions to the Certification Statement

There are no exceptions to the Certification Statement. The Collection is consistent with the guidelines in 5 CFR 1320.9.