

OMB Questions Regarding the National Prisoner Statistics collection (NPS)

1. To what degree has BJS discussed this collection with stakeholders in any detailed or systematic way in recent years? If so, please share written materials from those interactions.

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.

2. How well does the collection meet the needs of data users for purposes of modeling prisoner flows and other purposes (e.g., sentencing and probation information)?

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 the more coverage of sentencing and related issues that are addressed by other BJS collections, such as the NCRP data, the Annual Survey of Probation and Annual Survey of Parole.

3. Has BJS considered collecting type of offense data? What are the pros and cons of such an addition?

BJS has considered attempting to obtain offense breakouts for prisoners by state through the NPS series. However, there are several measurement and burden issues that have informed BJS' decision not to collect offense data in the NPS. On the measurement side, because states' definitions of offenses that go by the same label may vary, there are comparability issues. In addition, there are complications associated with selecting a controlling (or classifying) offense when an offender has more than one offense of conviction. Some states select this based on the offense with the longest sentence exposure (e.g., maximum term); others select based on the offense with the longest imposed sentence.

On the burden side, asking states to provide offense data in a manner that is consistent with BJS offense definitions would impose burdens on states to meet them. Burden also is associated with limitations of data systems and records, the vast array of how offense data are kept (by statute number or specific offense title), and the difference in offense definitions across jurisdictions (assault and battery, DUI, drug possession are not consistently defined).

In addition, we have two other collections that allow us to estimate offense distributions at the national level using the NCRP individual records and/or our Survey of Inmates in State and Federal Correctional Facilities, conducted every 5-6 years. This allows BJS to code offenses systematically.

There remains a desire to compare the distribution of prisoners by state, but until there are comparable definitions of criminal offending between states, this will remain a challenge. BJS continues to work with practitioners in the field to address these questions of definition, comparability, and collection when presenting at national conferences and special workshops.

4. What does BJS mean by listing 102 responses and 152 burden hours under "changes due to potential PRA violation?"

I cannot find this citation in the paperwork – please direct me to the appropriate section of the package.

5. Confidentiality -- Please clarify in A16 whether BJS is promising confidentiality to respondents (ie, prisons). Also, please confirm that there are no small cell size issues that would require softening the "confidentiality is assured as only summary counts are collected" statement.

As stated in Section 10, there is confidentiality to individual inmates in that we only collect summary counts. The respondent's personal information is not released to anyone outside the collection process. 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.

Small cell size usually occurs in the death categories, but these deaths are already public information (indeed, people can request individual level data collected under the Deaths in Custody Reporting Act by name of the deceased through a FOIA). All other counts are simply too large to attribute to an individual.

6. Why is the "uses of data" citation provided in the confidentiality section? Note that the citation is incorrect. It should be 42 USC Section 3735. There is no "3735 Section 402."

Perhaps I am looking in the wrong place? Under Section 10 I see 42 U.S.C 3735 Section 304 cited, which is:

Data collected by the Bureau 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.

Shall I should also add Section 3789, which also pertains to confidentiality (attached in the original submission attachment: bjslegauth.doc?)

7. A 14 should provide the estimated 3 year outyear (ie FY 2008-2010) costs as that is the scope of this ICR.

We do not yet have Inter-Agency Agreements in place with our collection agent, the U.S. Census Bureau, covering the entire collection period. We have provided the costs as we know them for FY2007, the most recent and complete data we have. There is usually a 5% annual increase in costs.

8. Please describe telephone scripts, email text, or any other written materials that are designed to be read or shared with respondents.

Attached in the original package is an example of the mailout letter we provide to the respondents and the follow-up email after the due date has passed. We do not have telephone scripts per se as the respondents are the same each year; if there is a new person assigned, the NPS is part of their responsibility under the Research Department of the Department of Correction and they have usually been furnished with former surveys from their predecessor.

Following is an example of Census staff following up with a respondent via e-mail:

---- Forwarded by Theresa M Reitz/GOVS/HQ/BOC on 05/22/2008 07:35 AM -

Sent by: Theresa M Reitz
To cliffbutter@xxxx.gov

04/20/2007 09:55 AM
Subject Reminder: NPS-1

Good afternoon, Mr. Butter! This is just a friendly reminder that the 2006 NPS-1 submission is due. Please submit your data via our website at <http://harvester.census.gov/nps>. If you should need to speak with me, you may contact me at 1-800-352-7229. Thank you for your participation!

Theresa

9. What does Part B mean when it says "BJS staff then take over" -- from whom?
This discussion is incomplete.

Staff from the Census, our collection agent, receive surveys and send reminders until the last 4-5 respondents remain; these are often the same jurisdictions from year to year due to data system issues or the state being short-staffed. By this time BJS is often already working with the data to produce a report, thus, it increases efficiency to have BJS handle the remainder of the data collection.

10. The new questionnaire does not provide the web reporting option info in the general information section as did the 06 one. Please include.

Thank you for catching this. The site is: <http://harvester.census.gov/nps/index.asp?bhcp=1> and will be included on the front of the forms. The site is also listed in the mailout letter.

11. Please explain how the new questionnaire burden is unchanged despite addition of content.

We have always collected these data items in the NPS collection – there are no new questions. Section A -1, paragraph 3 best explains this without getting into specific questions. We can list the specific changes, however:

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.

12. Please provide some data on the number of facilities reporting of "other" race data.

At midyear 2007, about 9,200 of 1.4 million inmates in custody were reported under the “Additional categories in your system” option for race, about .6% of the population.

- About 6,000 were in California and were reported as previously being listed in the “unknown” category in the endnotes.
- Another 1,400 were in North Carolina and identified as Hispanic, but are classified in the NC separately as White/Black/Etc, then Hispanic/Non-Hispanic, so NC could not fill out the survey with our definitions. This is the most often cited reason for using the “Additional category” option.
- The residual listings included: inmates not wanting race reported; inmates not classified into other categories; other and unclassified inmates.