

PAPERWORK REDUCTION ACT SUBMISSION

SUPPORTING STATEMENT

Agency: Office of Juvenile Justice and Delinquency Prevention (OJJDP)
Title: Juvenile Residential Facility Census (JRFC)
Form: CJ-15
OMB No.: 1121-0219 (current approval expires 10/31/2010)

A. JUSTIFICATION

1. Circumstances of the Collection

OJJDP is seeking clearance of the Juvenile Residential Facility Census (JRFC) data collection (form CJ-15). This census will be sent to facilities that hold juvenile delinquent and/or juvenile status offenders. It requests information on the security procedures in the facility, the number of beds used, the health care, mental health treatment, education, and substance abuse treatment in the facility. It also asks about the use of isolation, escapes or runaways from the facility, and deaths in the facility. It is a biennial survey conducted in even number years. It complements OJJDP's Census of Juveniles in Residential Placement (CJRP), a census of the same facilities which requests information on the youth in the facilities. The JRFC has been collected five times so far: in 2000, 2002, 2004, 2006 and 2008.

Since 1971, the Department of Justice has taken a strong interest in juveniles in custody, the operation of the facilities in which they are located and the services available to them while in custody. In 1971, the Department began a census of juveniles in custody known as the Children in Custody Census (more formally: The Census of Public and Private Juvenile Detention, Correctional, and Shelter Facilities.) In 1974, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) took over the operations of this census. In 1993, OJJDP began a broad, long-term examination and revision of its data collection efforts covering juveniles in custody. This effort included extensive consultation with experts interested in the data produced, discussions with respondents, and extensive testing of questions and methodologies. In 1997, OJJDP conducted the first Census of Juveniles in Residential Placement (CJRP), the first end-product of this long-term effort.

The CJRP collects individual level data on youth in residential placement due to contact with the justice system including arrest, probation revocation, or other referral. It replaces the population component of the old Children in Custody (CIC) data collection. The complement to this effort, the Juvenile Residential Facility Census (JRFC) collects extensive information on the services offered to the residents of the facilities. OJJDP began development of the JRFC in 1996 and completed the testing

phase in 1999 when the final report on the October 1998 field test was provided to OJJDP. OJJDP has conducted the JRFC data collection in October 2000, 2002, 2004, 2006 and 2008.

OJJDP is authorized to conduct this data collection under the Juvenile Justice and Delinquency Prevention Act of 2002 (the JJDP Act). For purposes of this PRA request, the relevant part of the JJDP language reads as follows:

(b) Statistical Analyses.--The Administrator may--

(1) plan and identify the purposes and goals of all agreements carried out with funds provided under this subsection; and

(2) undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consistent with the purposes of this title and title I.

--42 U.S.C. 5661

The JJDP Act also includes a requirement that OJJDP's Administrator submit to Congress and the President an annual report on juveniles in custody. The specific language which describes this report follows:

(1) A detailed summary and analysis of the most recent data available regarding the number of juveniles taken into custody, the rate at which juveniles are taken into custody, and the trends demonstrated by the data required by subparagraphs (A), (B), and (C). Such summary and analysis shall set out the information required by subparagraphs (A), (B), (C), and (D) separately for juvenile nonoffenders, juvenile status offenders, and other juvenile offenders. Such summary and analysis shall separately address with respect to each category of juveniles specified in the preceding sentence—

(A) the types of offenses with which the juveniles are charged;

(B) the race and gender of the juveniles;

(C) the ages of the juveniles;

(D) the types of facilities used to hold the juveniles (including juveniles treated as adults for purposes of prosecution) in custody, including secure detention facilities, secure correctional facilities, jails, and lockups;

(E) the number of juveniles who died while in custody and the circumstances under which they died; and

(F) the educational status of juveniles, including information relating to learning disabilities, failing performance, grade retention, and dropping out of school.

--42 U.S.C. 5617

Copies of the relevant sections of the JJDP Act are included under Section 6 of this PRA package.

2. Purpose of the Information

The data collected from the JRFC has and will continue to inform the nation's understanding of facilities into which youth are placed out of the home due to some contact with the justice system. No other single data collection, national or State-level, collects the quality or volume of information gathered by this census. OJJDP has several different purposes for the data:

- Collection of important conditions of confinement information.
- Description of the facilities' security levels.
- Report on deaths of juveniles while in custody as required by Congress (42 U.S.C. 5617)
- Provide annual total counts of the number of persons in these facilities
- Report on education services within the facilities
- Examine and describe mental health and substance abuse treatment
- Report on health care services in the facilities.
- Collection of stratification information for further sampling

In 1988, Congress required OJJDP to conduct a systematic study of the conditions of confinement in secure juvenile facilities. The Conditions of Confinement study brought to light a number of important issues concerning the treatment, safety, security, and services of juveniles in such facilities.

OJJDP continues to consult with the data providers and others in the juvenile justice and corrections field to ensure that the information being collected is relevant and useful. See items 8 and 9 of the Supporting Statement for more information regarding consultation with experts and others. OJJDP also works diligently to ensure that JRFC findings are made available to practitioners in the field and the general public. See item 16 for more information about dissemination of results.

A critical aspect in continuing the progress that has been made is the consistent and routine monitoring of these conditions. This survey contains several elements designed to track nationally the conditions of juveniles in confinement (both secure and non-secure). It also includes questions on education, mental health, physical health, and substance abuse services. Finally, it includes questions on the number of beds in the facility, the use of isolation, injuries, recent escapes, and deaths in custody. The data from these questions will provide a basic yet broad base of knowledge on these facilities that hold youth.

3. Use of automated, electronic, mechanical or other technological collection techniques

OJJDP and the Census Bureau are committed to decreasing the burden of the data collection on respondents. The Census Bureau has taken advantage of all available electronic means of data submission in the past, as this option typically reduces the burden and costs on both the respondent and the data collectors, the Census Bureau. Along with these savings, the data are cleaner and less prone to error when taken directly from the respondents' own systems.

As part of the collection process, the Census Bureau also encourages respondents with questions to call an 800 number to determine whether other electronic submission methods will work.

During the 2008 collection, the first electronic reporting option was implemented for the JRFC. The JRFC are mail questionnaires with an online reporting option. The questions on the web option are identical to the questions on the paper version. The web option includes the OMB number, contact information, instructions, and the burden statement. The purpose of this option is to reduce the burden on respondents.

The Census Bureau has maintained a focus on the sensitivity of JRFC data when developing the new web form. The Census Bureau's secure servers use "HTTPS", Hypertext Transfer Protocol over Secure Socket Layer, to ensure the encrypted transmission of data between the respondents' browser and the U.S. Census Bureau. This means that instead of sending readable text over the Internet, both the respondents' and the Census Bureau's server encode (scramble) all text using a security key. That way, personal data sent to the respondents' browser or data the respondent sends back is extremely difficult to decode in the unlikely event it was intercepted by an unauthorized party. All browsers connecting to the Census Bureau's secure server must use a minimum encryption key size of 128 bits.

4. Efforts to identify duplication

Through OJJDP's Juvenile Justice Statistics and Systems Development Project (SSD), OJJDP has endeavored to uncover all sources of information on youth involved in the juvenile justice system. The SSD project has revealed that national information on the conditions of confinement, availability of services and the safety and security of juveniles in facilities is not available in any other national data collection. Similarly, conversations with staff from other Federal agencies have revealed that no data collection exists in any other Federal agency that could supply this data routinely and completely. Indeed, other Federal agencies tend to turn to OJJDP for information on services provided by juvenile correctional facilities.

Both the Census Bureau and OJJDP conducted extensive literature reviews during the development of this census, and have continued to monitor the research literature as the JRFC has been administered. All such reviews have indicated that this information is not independently available through other means. Some States or localities maintain similar information, yet it can be far from complete. In any event, such localized information sources do not cover the entire country, which is the intent of the JRFC.

5. Impact on small businesses and small entities

Small businesses are not involved in this data collection.

6. Consequences of not conducting the data collection

If this data collection does not proceed, it is expected that OJJDP would not have the capacity to respond to Congressional and Presidential reporting mandates for the Office; that larger, more burdensome data collections would be needed to address the issues covered in this collection; and that Federal, State, and local policy makers would need to rely more on anecdotes and assertion rather than solid data in developing juvenile justice policy. Without this data collection, comparable national and State level data would not be available. Without these data OJJDP, Federal, State and local agencies would not have the necessary foundation to develop programs for youth in residential placement.

In the past (prior to the JRFC), OJJDP relied on the *Census of Public and Private Juvenile Detention, Correctional, and Shelter Facilities* to provide information on all aspects of juvenile residential facilities. As an explicit decision, the Office separated the new data collection effort into two separate censuses: the Census of Juveniles in

Residential Placement (CJRP) collects population information on juveniles in residential facilities, and the Juvenile Residential Facility Census (JRFC) is designed to collect facility level information. The two data collections are collected on the same census day, in alternating years.

7. Special circumstances

Most of the special circumstances listed in the instructions for OMB Form 83-I do not apply to this data collection for the following reasons:

- The census will be biennial (not quarterly or more frequently);
- The respondents will have more than 30 days to respond;
- Only one copy of the document will be requested;
- The collection does not require respondents to maintain records beyond the data collection itself.
- The collection is designed to be a census of residential juvenile facilities on the reference date and as such will produce valid and reliable results;
- OJJDP will not require reporting of statistical data that have not been approved by OMB;
- The pledge of confidentiality provided with the data collection derives directly from statute (see Attachment A, 42 U.S.C. 3789g);
- The collection does not request proprietary information.

8. Outside consultation

The data collection will be submitted to the Federal Register by the Department of Justice in accordance with 5 CFR 1320.8(d). OJJDP will welcome and respond to all questions and comments on the JRFC. All such questions or comments will be considered, and logical or necessary changes will be made to the instrument. The 60 day and 30 day Federal Register announcements are included later in this package.

9. Consultations outside the Office

During the development phases of this project, OJJDP consulted extensively with several experts in the field. These consultants provided expert advice on the operations and population of the specific facilities. Additionally, OJJDP revisits the form after each collection to determine the value of the information being collected, the phrasing and content of questions, and the form structure. OJJDP also relies on experts in the field of juvenile corrections to advise the agency regarding needed changes, deletions or additions to the form. This information is gathered through periodic phone calls of the "OJJDP Corrections Data Working Group," as well as through conferences, regional meetings with State Juvenile Justice Specialists, and internal agency meetings. A list of

the many individuals involved in advising OJJDP regarding the JRFC and other data collection activities is included in Attachment B.

OJJDP is also currently in the process of initiating a Juvenile Corrections Data Collection Advisory Board to inform the agency's various data collection efforts, including the JRFC. It is expected that the membership of this Board will be multidisciplinary and will include experts from the fields of juvenile facility operations, corrections administration, research and data collection, as well as juvenile service needs (mental health, physical health, education, etc.).

The Institutional Review Board (IRB) review is pending. The results of the review will be submitted once it is ready.

Consultations with data providers

From 1993 through 1998, OJJDP and the Center for Survey Methods (CSMR) at the Census Bureau worked to develop and improve the JRFC questionnaire. During this time, staff at CSMR visited over 50 individual facilities asking very specific questions about the operation of the facility, the format of the questionnaire, and the facility's ability to complete the form. Important also during the testing was the burden placed on the respondents because both OJJDP and CSMR understood fully that an overburdensome form would result in high nonresponse rates.

Since the first collection in 2000, OJJDP and the Census Bureau have developed a broad range of formal and informal relationships with the data providers. These data providers serve as a network of support for the project by providing updates on facility lists, comments on publications, information on juvenile corrections, and reviewers for questionnaire drafts. The Census Bureau has worked with several data providers to help them set up reporting systems that fit with the JRFC reporting mechanisms, thereby decreasing the burden on a number of the data providers.

In Summer 2009, OJJDP sponsored a workshop at the National Archive of Criminal Justice Data (University of Michigan). The workshop, entitled, "Using National Juvenile Corrections Data Files, 1997-2006," provided attendees with an opportunity to learn how to analyze these multiyear files using a secure online data analysis tool.

9. Justification of compensation

OJJDP does not compensate respondents who participate in this data collection. Participation is purely voluntary.

10. Assurance of confidentiality

All information tending to identify individuals (including entities legally considered individuals) will be held strictly confidential according to Title 42, United States Code Section 3789(g). A copy of this section is included with this submission as Attachment A. Regulations implementing this legislation require that OJJDP staff and contractors maintain the confidentiality of the information and specify necessary procedures for guarding this confidentiality. A copy of these regulations (28 CFR Part 22) is included at Attachment A. The cover letter that accompanies the JRFC notifies persons responsible for providing these data that their response is voluntary and the data will be held confidential. A copy of this letter along with the necessary notification is included in Section 5 of this package.

11. Justification for sensitive questions.

OJJDP's interests would not be served if many facilities declined participation due to particularly sensitive questions. Therefore, the Census Bureau and OJJDP have paid particular attention to the views of the respondents toward particular issues and questions. All questions deemed too inflammatory or sensitive were removed (such as questions about severe disciplinary actions) during the pretesting stage. The final tests of the questionnaire, as well as the five JRFC administrations to date, indicate that most respondents do not consider the questions too intrusive or sensitive. However, one set of questions still has a sensitive nature: the final section on deaths in the facility.

OJJDP previously asked about the annual number of deaths to youths in custody on the Census of Public and Private Juvenile Detention, Correctional, and Shelter Facilities, the precursor to JRFC and CJRP. Since 2000, the JRFC has been the mechanism used by OJJDP to gather this information.

Congress mandates in the JJDP Act that OJJDP report on the number of deaths to youths in custody. Under Section 207 of the Act, Congress requires OJJDP to include in its annual report the number of juveniles who died while in custody and the circumstances under which they died.

Based on responses from the facilities, the annual number of deaths has been between 25 and 40. While juvenile deaths in custody are rather rare, they are often very indicative of the conditions in the facilities. In order to develop policies affecting the safety and security of persons in these facilities, it is vital to know what circumstances can potentially lead to death. For example, a substantial number of all deaths in custody arise from suicides. Knowing this fact, administrators, policy makers and staff can take appropriate action to assure that youth in danger of suicide receive appropriate

treatment and attention. Similarly, if a substantial number of persons are killed by other residents, policy makers can take appropriate action to defuse any potentially dangerous situations.

During the two stages of interviews and the feasibility test undertaken to develop and test the JRFC, as well as the five administrations of the census so far, no facility has indicated any problem with reporting the death of a youth under their care. Even in cases where the death may have been preventable, the facilities have sufficient trust in the Census Bureau and OJJDP to report these instances. As with any confidential data, OJJDP takes all due precautions to assure that information of this kind which facilities consider sensitive will not be released in such a way as to disclose the particular facility involved.

12. Estimates of hour burden

Based on the original national field test, more recent field testing and the subsequent administrations of the JRFC, OJJDP estimates the average time to complete the form to be two hours. There should not be a difference in burden based upon whether the facility is a public or private facility. There may be some burden differences due to differences in facility characteristics, staffing and services provided, however.

The following table provides an overview if the estimate of the burden, by type of facility:

	No. of Facilities	Avg. Burden	Total Burden
Private Facilities	1606	2 hours	3212
Public Facilities	<u>1161</u>	<u>2 hours</u>	<u>2322</u>
TOTAL	2767		5534

13. Estimates of cost burden

The form was designed so as not to require any new systems or efforts on the part of respondents. Rather, respondents provide information that all need for their own operational functions. As such, this data collection requires no start-up costs or

maintenance costs from respondents.

14. Estimate of annualized cost to the Federal Government

Based on our experience in implementing the JRFC since 2000, the following table provides an overview of the costs of implementing the JRFC. Please note that although the data collection for JRFC occurs every other year, for “off” years there are still costs incurred due to data processing and completing data collection closeout.

Fiscal Year	Cost
2000	673,000
2001	215,000
2002	675,000
2003	214,000
2004	675,000
2005	233,000
2006	788,000
2007	250,000
2008	750,000
2009	155,000

On average, the annual cost of the JRFC to the Federal government is approximately \$463,000. The costs of the survey fluctuate from year to year, peaking in the years the census is conducted and declining in the off years.

15. Reasons for program changes

This application includes some minor changes to some of the questions on the previously approved form. The reasons for the changes are outlined below and also on the form itself. None of these changes are expected to change the level of burden on the respondent nor the cost burden to the Federal Government. Some of 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. Other changes include:

- Adding an option to Section 2, Question 15 for respondents to provide information regarding HPV (Human Papillomavirus) vaccination activity.
- Adding questions to the end of Sections 2, 3, 4 and 5 regarding reentry planning/preparation for youth in the facility.
- Adding 4 multi-level questions to Section 6 (the last month) which ask about reasons that services were not provided over the past month.

The last 2 changes are the result of requests for information which OJJDP has received from the field to better understand the steps that facilities take to prepare for when a youth is departing the facility (especially in cases of community reentry), and to gain a more complete understanding of the situations which would prevent services from being administered.

16. Plans for tabulation and publication

OJJDP considers publication of the JRFC information important not only for Federal agencies, but also for enhancing the work of the facilities themselves. OJJDP has developed a comprehensive system for analysis and distribution of the information collected. Under this plan, OJJDP funds a cooperative agreement to the National Center for Juvenile Justice (NCJJ) for the National Juvenile Justice Data Analysis Project (NJJDAP). The NJJDAP analyzes the JRFC data and produces standard fact sheets, bulletins, and reports for publication by OJJDP. A primary way that the data are released are via OJJDP's online Statistical Briefing Book, located at <http://ojjdp.ncjrs.org/ojstatbb/index.html>

OJJDP is making the JRFC datafiles available for use by other researchers through the National Archive of Criminal Justice Data (part of the Inter-university Consortium for Political and Social Research at the University of Michigan). This effort is designed to promote the publication of research findings from the JRFC, and increase its utility to the field. As part of this effort, OJJDP sponsored a workshop in Summer 2009 to introduce researchers to the data files

and the types of questions to be answered. This effort also promotes the publication of research findings from the JRFC.

17. Request for approval to not display OMB approval expiration date.

The present request does not request such approval. The expiration date will be displayed along with the OMB approval number.

18. Exceptions to the certification statement in Item 19 of OMB Form 83-I

No exceptions to the certification statement are requested or required.