

SUPPORTING STATEMENT

A. Justification

1. Necessity of Information

In the twelve months ending December 31, 2009, the nation's prison population rose by 3,981 prisoners (0.2%) to 1,613,740 prisoners under state or federal jurisdiction. This change marked the third consecutive year of slower growth and the smallest absolute increase in the decade. This slowing of growth is attributed to prison admissions (down 2.5%) and prison releases (up 2.2%) converging from 20006 through 2009. The overall imprisonment rate declined for the second straight year from 506 prisoners per 100,000 U.S. residents in 2008 to 502 per 100,000 in 2009.

The National Prisoner Statistics (NPS) was created in 1926 in response to a congressional mandate to gather information on persons incarcerated in state and federal prisons. Originally under the auspices of the U.S. Census Bureau, the collection moved to the Bureau of Justice Statistics (BJS) following its establishment in 1979. The data provide an enumeration of persons in prison and key characteristics of the population and are published annually. NPS has been altered through the decades to keep up with the changing information needs of the public, researchers, and federal, state, and local governments; while items and definitions have changed over the years, BJS strives to make the data as comparable and consistent as possible.

The current NPS collection approved by the Office of Management and Budget (OMB), due to expire May 31, 2011, consists of two field collections: the NPS-1A (see Attachment 1), known as the *National Prisoner Statistics Prisoner Population Reports, Midyear Counts* collects information describing the population on each June 30, and NPS-1B (see Attachment 2), the *National Prisoner Statistics Summary of Sentenced Population Movement*, collects information the population as of each December 31. The first five items are the same in the both collections: a custody count, a jurisdiction count, and counts for persons held in private facilities, local jails, and in other state or federal facilities. The NPS-1A also collects prisoner counts by race, the number of persons held under the age of 18, and the number of non-citizens held. The NPS-1B collects prisoner counts by race, the number of admissions and releases in the calendar year (by type), capacity figures, and the testing policies and number of inmates with HIV or confirmed AIDS.

As previously mentioned, the frequency of collection and the items and definitions in the NPS has changed over time. For example, in the mid-1970s an item on prisoners held in local jails "because of prison crowding" was added to the yearend collection to quantify the impact of the expanding prison population on prison system capacity. In response to the increased use of private facilities to manage population growth, BJS shifted from enumerating persons held in jails due to prison crowding to persons held in private and local jail facilities for state or federal authorities in 1999. Records indicate that BJS also began collecting midyear counts in the early 1980s to better track the rapid growth of the prison population, the rate of nearly tripled from 139 prisoners per 100,000 U.S. residents in 1980 to 409 per 100,000 in 1995. Items on persons in custody under the age of 18 and non-citizens were also added in the late 1990s as interest in these populations increased.

In our ongoing effort to balance the interests of special topics with concerns of respondent burden, BJS plans to replace the current NPS-1A midyear collection with several replacement forms that will be collected on a rotating basis on special topics. In order to avoid losing data we have amended the NPS-1B to include the unique items from the NPS-1A (the counts of persons under the age of 18 and non-citizens). The revised NPS-1B form is attached (see Attachment 3 and please note the addition of questions 12 and 13). BJS will return to OMB for review, burden hour adjustment, and approval of the supplement forms we develop to replace the existing NPS-1A. BJS will use the staff time allocated for the NPS-1A 2011 collection to develop three to four NPS-1A forms on special topics to supplant the existing form; these would be rotated cyclically – one form per year – to control burden while enhancing the information available to the nation regarding the prison population. We are taking this action for several reasons.

First, there is great interest in the public and among correctional researchers in collecting additional items on special topics within the prison population from the state Departments of Correction and Bureau of Prisons, including information on medical and mental health policy and treatment, measures of inmate safety, and improved measures on the incarceration of non-citizens, to name a few. This interest has been repeatedly reinforced in our interactions with NPS respondents and correctional administrators at recent professional conferences and workshops, including the American Correctional Association, the National Correctional Healthcare Conference, and the American Probation and Parole Association.

Second, while the interest in special topics is widespread among NPS respondents and administrators, they note that with the onset of the budget crisis staff resources necessary to provide the basic NPS counts have been reduced, making data collection increasingly challenging. BJS acknowledges that the interest in special topics cannot be achieved by adding to the current burden. After careful evaluation, BJS has determined that the temporary suspension of the NPS-1A will relieve our respondents of reporting responsibilities and BJS of collection responsibilities, allowing BJS staff designing time on special topic supplements to replace the existing NPS-1A. Respondents agree that this is a sensible idea and confirmed that the suspension does not affect state-level data needs as state legislatures and other data users most often use the yearend data for planning and funding purposes. Several respondents also offered to aid this endeavor by reviewing draft supplements to evaluate if the proposed data items are consistent with those in their data systems.

The information gathered in the NPS represents a long-standing effort to provide national and state-by-state counts on prison inmates across the nation, as well as changes in the movement of inmates and the sex and racial distribution of the inmate population. While other professional associations and interest groups have conducted periodic collections of similar information, the NPS is the only ongoing annual collection that takes into account comparable reporting, changing data needs, and consistent efforts to present comparable data across years and jurisdictions. The burden involved in collecting the NPS is warranted by the fact that the NPS data are used far and wide by the components of the U.S. Department of Justice, Congress, journalists, researchers, students, and the individual states as a source of national and comparative data on prison populations (see examples of this in the Needs and Uses section below). The NPS series as a whole is a source of valuable information for criminal justice

planning and policy development at the state and federal levels.

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 prison population in the NPS, combined with data from other BJS 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.

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 and parole 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.

If these data were no longer collected, the data users would be faced with performing their individual functions and contributions 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 and researchers would lose a treasured source of trend data on the size and characteristics of the prison population if the NPS data series was discontinued.

BJS makes the NPS data available to correctional administrators and staff, Congress, researchers, and the public through detailed tables published on the BJS web site (<http://www.bjs.gov/>) and in reports on the status of the corrections population at the end of each year, the most recent of which are *Probation and Parole in the United States, 2009* (NCJ 231674), *Prisoners in 2009* (NCJ 231675), and *Jail Inmates at Midyear 2010* (233431). In addition to these annual reports, BJS publishes a snapshot of the HIV prisoner population from this data, *HIV in Prisons, 2007-08* (NCJ 228307). The NPS also provides information on policies concerning juveniles, non-citizens, racial composition, reentry issues, and population growth. *Prisoners in 2009*, for example, examines the decrease in the state inmate population by admissions, releases, and time served.

Data from the BJS recidivism study, currently being collected from a subset of states, can also be applied to NPS data totals and information from the National Corrections Reporting Program to

estimate the national impact of admission and release policies on recidivism. Such analysis is particularly useful as states search for ways to lower incarceration costs while keeping crime rates down and the public safe. See the Efforts to Identify Duplication section below for more information on how BJS triangulates information from other BJS collections to minimize burden while contributing important knowledge to the corrections field.

BJS attends the American Correctional Association (ACA) conference regularly and addresses the Association of State Correctional Administrators (ASCA) and professional members 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. For example, BJS staff most recently presented a panel at ACA titled “Latest Findings from the Bureau of Justice Statistics: Prisoner Trends, Mortality in Jails, and Sexual Victimization.” There are attendees that show up at every BJS panel session to keep tabs on the changes in the prisoner population and forthcoming special topic reports. Professional conferences are also an opportunity to discuss current and future data collections with stakeholders, emphasizing 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) and; 2) upon each OMB submission. We anticipate working closely with the field in developing the supplements intended to replace the existing NPS-1A form.

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 and state resources to meet inmate population needs and to assist the states and the Bureau of Prisons in protecting inmates¹;

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 administrators²;

Bureau of Justice Assistance – to allocate formula grants proportional to number of inmates held by each state, such as the Residential Substance Abuse Treatment for State Prisoners and the Second Chance Act grants;

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

¹ NPS figures have been cited consistently in legislation to illustrate the number of persons affected by incarceration, estimated persons at risk within facilities, and former offenders in need of community resources. Examples include the Deaths in Custody Reporting Act of 2000 (P.L. 106-297), the Prison Rape Elimination Act of 2003 (P.L. 108-79), and the Second Chance Act of 2007 (P.L. 110-199).

² Most recently, national estimates of sexual victimization in prison facilities generated by NPS totals have been used as a basis for training and assistance in prisons across the nation to revise policy pertaining to inmate safety.

Researchers – to estimate the impact of incarceration on crime, as well as evaluate correctional and criminal justice policies³;

The public – to make informative decisions about crime and punishment within their own jurisdictions⁴.

3. Use of Technology

The NPS-1B survey is mailed to each state respondent with a letter requesting participation and information on how to report using on-line using the web form. The web option is very popular; 44 of 51 respondents (86%) submitted their 2010 NPS-1A information (the most recently completed collection) 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 the redundancy within the collection and to collect data on other special topics, BJS is temporarily suspending the NPS-1A to focus efforts on designing supplements to replace the NPS-1A in coming years. In order to avoid losing information unique to the NPS-1A we have added two items to the NPS-1B (see Attachment 3).

BJS will return to OMB for review, burden hour adjustment, and approval of the supplement forms we develop to replace the existing NPS-1A. It is anticipated that BJS will develop three to four forms on special topics to supplant the existing form; these would be rotated cyclically – one form per year – to control burden while enhancing the information available to the nation regarding the prison population.

The NPS series complements other BJS collections on prisons and prisoners, including the National Corrections Reporting Program (NCRP), the Survey of Inmates in State and Federal Correctional Facilities (SISFCF), the National Inmate Survey (NIS), and the Census of State and Federal Correctional Facilities (CSFCF).

The NCRP collects annual individual records from participating states on all admissions and releases to and from state prison, as well as records for inmates on December 31; participation varies between 38 to 42 states and BJS has renewed efforts to improve participation by expanding the ways in which we request and receive the data. Although the NCRP is not yet a complete representation of the population, we can compare the data from the NCRP with the information we get from the NPS on population flows and make national estimates with greater confidence. NCRP also provides information on offense, age and expected release date, which

³ A consistent inquiry from researchers and students is trend data by state, race, sex, and admission and release type that only the NPS can provide.

⁴ Corrections staff receive regular inquiries from ASKBJS, our online information request mechanism. The NPS data are used daily to answer questions regarding prison population size by state, incarceration rates, juveniles held in adult facilities, non-citizens held, admissions and releases by type, and inmate characteristics by race and sex.

allows for estimates on offense and age distributions, as well as length of stay estimates that can be applied to the aggregate totals obtained from NPS.

The SISFCF is an omnibus survey conducted periodically within a nationally representative sample of prison facilities and inmates to obtain information 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 inmate survey to adjust estimates that account for the differences between self-reported race data and the administrative race data we receive in the NPS. This is particularly useful since few state data systems record all of the OMB-required racial categories, particularly the “two or more races” category.

The NIS is a collection that meets the requirement under the Prison Rape Elimination Act (PREA; P.L. 108-79) to produce facility-level estimates of sexual victimization by staff or other inmates. Field staff conduct interviews with inmates held in a 10% sample of the nation’s prisons and jails using an audio computer-assisted self-interview (ACASI) technique that utilizes a touchscreen laptop and audio feed to maximize respondent confidentiality and minimize literacy issues. While it not feasible to interview every inmate in the country, the estimates generated from the NIS can be weighted up to the national prison population figures obtained in the NPS to represent the prevalence of sexual victimization in facilities across the nation.

Finally, the CSFCF, or the Prison Census, is a survey of all state and federal prison facilities in the nation conducted approximately every five to seven years, to provide detailed information on the types of inmates housed, facility age and type, security level, court orders, programs, health and safety conditions, confinement space, employment, and operating costs. The Prison Census furnishes the sampling frame for the SISFCF and the NIS. The collection, in conjunction with the NPS information, allows for a more detailed examination of the conditions, treatment, and safety of the prison population at a facility, state, and national level.

5. Impact on Small Businesses

This research does not involve small businesses or other small entities. The respondents are researchers from the state Departments of Correction and the Federal Bureau of Prisons.

6. Consequences of Less Frequent Collection

BJS believes that suspending the NPS-1A collection (while moving the two items unique to the NPS-1A to the NPS-1B form will reduce redundancy, allow for additional staff time to develop supplements to replace the NPS-1A, and does not disrupt our ability to track changes in the inmate population.

7. Special Circumstances Influencing Collection

There are no special circumstances 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.

BJA consults annually 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 are a subset of persons consulted regarding the plan to temporarily suspend the NPS-1A collection and design replacement supplements on special topics:

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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 ask for or receive 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. All 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 Burden Hours

There are 51 respondents; the 50 states Departments of Correction and the Federal Bureau of Prisons. Under this collection revision that temporarily suspends the NPS-1A, it is estimated that each of the 51 respondents will use 6.5 hours to complete the revised NPS-1B form (see Attachment 3). We do not anticipate that the transfer of two items from the NPS-1A to the NPS-1B will impact the overall burden. The burden estimate is thus down by 76 hours since the last clearance (from 408 to 332) because of the temporary suspension of the NPS-1A.

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four forms on special topics to supplant the existing form; these would be rotated cyclically – one form per year – to control burden while enhancing the information available to the nation regarding the prison population.

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 a cost estimate of \$36 per hour for respondent time applied to the 6.5 hour burden, the NPS-1B is estimated to cost \$234 per jurisdiction. The estimated cost burden for all 51 respondents is \$ 11,934.

14. Estimated Cost to Federal Government

The cost to the Federal Government for the NPS-1A and revised NPS-1B is estimated to be \$191,930. We estimate an annual increase of 4% in costs for the Census Bureau duties and little if any increase in the costs to BJS. The estimates below include anticipated work on the supplements to replace the current NPS-1A form.

Census Bureau data collection costs – \$147,000
Salary: \$58,699
Benefits: \$33,458
Overhead: \$50,000
Other Administrative Costs: \$4,843
Bureau of Justice Statistics costs - \$44,930
10% GS-13, Statistician (\$8,903)
5%, GS-15, Supervisory Statistician (\$6,188)
2% GS-15, Chief Editor/Supervisory statistician, (\$2,274)
5% GS-12, Editor (\$3,743)
2% GS-12, Designer (\$1,497)
2% GS-14, Information Technologist (\$2,244)
5% GS-13, Information Technology Specialist (\$4,748)
2% GS-9, Information Specialist (\$1,307)
Benefits (@ 20% - \$6,180)

Publication production and dissemination costs - \$7,846
Printing (\$4,699)
Postage and handling (\$3,147)

15. Reasons for Change in Burden

In our ongoing effort to balance the interests of special topics with concerns of respondent burden, BJS plans to temporarily suspend the NPS-1A midyear collection to design several replacement forms that will be collected on a rotating basis on special topics. In order to avoid to losing data we have amended the NPS-1b to include the unique items from the NPS-1A (the counts of persons under the age of 18 and non-citizens). The revised NPS-1B form is attached

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16. Plans for Publication

BJS will analyze these data and prepare a detailed report on prison population once a year, and use the NPS data in conjunction with other data (NCRP and NIS, for example, as described under the Efforts to Identify Duplication section above) to publish at least one special report each year on issues such as the aging prison population, mortality, and time served.

The NPS data will be made available to the public through the BJS website less than a year after they are collected. BJS is also working with the publications and dissemination unit to design and implement a tool that would allow users to create custom tables with the data. We will begin by making the most recent data years available, with additional plans to archive data going back as far as we can. The estimated timeline for the rollout of the query tool is yearend 2011.

17. Expiration Date Approval

The burden statement, OMB Control Number, and the expiration date will be published on the NPS-1B form and on the web submission tool.

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.