

SUPPORTING STATEMENT

A. Justification

1. Necessity of the Information Collection

The Bureau of Justice Statistics (BJS) seeks clearance for the 2012 Census of State and Federal Adult Correctional Facilities (CSFACF). This data collection, fielded every 5-7 years, will be the eighth in a series begun in 1974. The CSFACF provides information about the characteristics of individual state- and federal-level correctional facilities.

Prisons are correctional facilities operating under state or the federal authority which typically hold sentenced adult felons. As of December 30, 2005, more than 1,800 adult correctional facilities held more than 1.4 million prisoners. While prisons typically hold felons and prisoners with sentences of more than 1 year, the sentence length of the inmates may vary by state. Prisons are primarily operated by state or federal authorities, however the number operated by private and local government entities under contract to state or federal correctional authorities increased by 57% between midyear 2000 and yearend 2005¹ accounting for the majority of the increase in the number of adult correctional facilities during this period.

The first Census of State Adult Correctional Facilities was fielded in 1974 by the Office of Justice Assistance, Research and Statistics of the Law Enforcement Assistance Administration; the Bureau of Justice Statistics continued the state prison census collection in 1979 and 1984 before adding facilities operated under the authority of the Federal Bureau of Prisons (BoP) to the data collection. The Census of State and Federal Adult Correctional Facilities has been conducted previously in 1990, 1995, 2000, and 2005.

The CSFACF fits within the larger BJS portfolio of establishment surveys that inform the nation on the characteristics of correctional facilities and the inmates sentenced to state and federal prisons. BJS' National Prisoner Statistics prison population reports (NPS-1B, OMB Control Number 1121-0102) provides aggregated annual counts and movements of sentenced inmates and the National Corrections Reporting Program (OMB Control Number 1121-0065) provides individual-level data on offenses, sentence length, and the characteristics of persons admitted to state prison in selected states. While NPS-1 and NCRP describe prisoners and their characteristics, the CSFACF allows us to examine the corrections at a facility-level. As of yearend 2010, 1 in every 201 U.S. residents was being held for a state or federal correctional authority.² Data obtained in the prison census allows us to describe the conditions in which this population is being held. Because the prison census includes characteristics of the facilities, the inmates, and the staff working in the facilities, this collection gives BJS and data

¹Stephan, James J., *Census of State and Federal Correctional Facilities, 2005*, Bureau of Justice Statistics, Washington, DC. Available at: <http://bjs.gov/content/pub/pdf/csfcf05.pdf>.

²Guerino, Paul, Paige M. Harrison, and William J. Sabol, *Prisoners in 2010*, Bureau of Justice Statistics, Washington, DC. Available at: <http://bjs.gov/content/pub/pdf/p10.pdf>.

users the ability to present a more complete description of the conditions of confinement than is available from other data collections.

For the first time, BJS proposes to conduct the CSFACF in two parts. Part one of the data collection, planned for June 2012, will be used to construct a complete roster of all state- and federally-operated correctional facilities, as well as contract facilities (both privately- and locally-operated) housing state or federal inmates. BJS will use the resulting roster of facilities to conduct the upcoming 2013/2014 Survey of Inmates in State and Federal Correctional Facilities (SISFCF). The information collected on the CJ-43B form will include facility name and location, sex of inmates housed, physical security of the facility, percentage of inmates regularly permitted to leave the facility unaccompanied, a one-day count of inmates by sex, and future plans to modify or close a facility. These items have long provided the base for the universe from which the SISFCF sample facilities are selected. In recent years, these data were also used to develop the sample frame for the Congressionally-mandated National Inmate Surveys (NIS).

BJS will collect data items that have been more traditionally affiliated with the CSFACF in the second wave of the data collection (CJ-43, planning will begin in the fall of 2013, pending fiscal year 2013 funding). The data elements expected to be captured may include items regarding facility characteristics, such as facility functions, capacity, and court orders or consent decrees under which facilities are operating; population characteristics, including special populations housed; staff characteristics; measures of facility security; and facility programs. BJS will consult with experts and professionals in determining other topical items to be included in this collection.

The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. 3732), authorizes BJS to compile data on the operation of correctional facilities at the state and federal levels (see Attachment 1). Through an interagency agreement, the U.S. Census Bureau collects these data for BJS.

2. Needs and Uses

The CSFACF provides detailed information about the facilities in which the majority of the nation's incarcerated population is held. BJS has used the resulting roster of state and federal adult correctional facilities as a universe from which to draw a sample of facilities for the Surveys of Inmates in State and Federal Correctional Facilities (SISFCF). These nationally-representative surveys of prison inmates provide a valuable resource from which we can produce a portrait of the inmates held for state and federal authorities.

The information collected in part 1 of the prison census (CJ-43B) will be used by BJS in developing the sampling frame for the upcoming prison inmate survey (OMB Control Number 1121-0152), which we currently plan to field during 2013 and 2014. The sampling plan for the inmate survey is a two-stage plan, in which facilities, as identified in the prison facility census, are selected proportionate to size in stage 1 and inmates are sampled within facilities in stage 2. BJS uses the

data on the sex of inmates housed in the individual facilities (males only, females only, or both males and females) to oversample female inmates. We use the inmate counts collected in the census to determine the size of the facilities. Data obtained on security level and the percent of inmates permitted to leave facilities unaccompanied are used to classify facilities as confinement or community-based. Information requested in the CJ-43B about facility contacts and administrative links between facilities aids in the planning and administration of the inmate survey; and information on planned changes or closures are used to help identify facilities to exclude from (or include in) the frame at the time the sample for the inmate survey is drawn. The accuracy of the information obtained in the inmate surveys relies on the information collected in the CSFACF being correct and complete.

Past prison censuses conducted by BJS have provided the raw material for discussion and evaluation of correctional policies and practices, in both national and international arenas. Using information obtained from CSFACF, practitioners, policymakers, and researchers are able to test assertions about the causes and consequences of current sentencing and release policies. BJS will use the information collected in part 1 of the 2012 prison census as the framework for part 2 of the collection. Similar to the information collected in prior prison census collections, part 2 will include questions pertaining to facility operations (e.g., staffing, programs, etc.).

The census enables BJS to compare the growth in the number of federal and state correctional facilities and their capacities nationally. Using the data collected in part 1, BJS will produce a report describing changes in the number and types of facilities in recent years (e.g., public, private, confinement, community-based). This is an important report which will help to describe changes in correctional operations. In 2005, for example, BJS reported that virtually all of the growth in prison facilities was attributable to those that were privately-operated (as opposed to publicly-operated), as more than 150 privately-operated facilities opened between 2000 and 2005, which accounted for 99% of the observed increase in the number of adult correctional facilities during that period³. Tracking these and related changes is important for understanding correctional system operations.

Data from past censuses have allowed BJS to track changes in areas of interest to practitioners, members of the media, and the general public, such as the demographics of prisoners, the supervision status of persons held, the prevalence of crowding, and the presence of special populations (non-U.S. citizens, inmates under age 18, etc.) in prisons.

³Stephan, *op. cit.*

The data generated from this collection will be used by Department of Justice and other federal officials; state officials in conjunction with prison administrators; researchers and planners to analyze the current trends and growth patterns; and the public who want to be informed. Users of this data collection include the following:

U.S. Congress – to evaluate the adequacy of correction facilities to meet inmate needs and to assist the states and the Bureau of Prisons in protecting inmates;

International policymakers – to assess the efficacy of privately-operated correctional facilities⁴;

National Institute of Corrections – to evaluate conditions of state and federal prisons, community corrections facilities, halfway houses, and group homes;

U.S. Department of Justice, Civil Rights Division and Office of Legislative Policy – to understand conditions as they relate to civil rights and implementation of federal policies;

State corrections officials and policymakers – to compare correctional facilities located in similarly-situated jurisdictions and to determine needs and budget requirements;

Researchers – to assess the impact of incarceration on crime, to compare conditions across facilities, and to evaluate the effectiveness of correctional and criminal justice policies⁵;

Businesses and service providers – to determine the potential base populations to whom they can market their products and services; and

The general public – to assess the impact of crime and criminal justice operations within their own jurisdictions⁶.

⁴The privatisation of prisons and prison-related services: Report of the General Purpose Standing Committee of Parliament, New South Wales. 2009. ([http://www.parliament.nsw.gov.au/prod/parlament/committee.nsf/0/e368f47aee63f6ecca2575cc000da1e4/\\$FILE/090603%20final%20report%20version%203.pdf](http://www.parliament.nsw.gov.au/prod/parlament/committee.nsf/0/e368f47aee63f6ecca2575cc000da1e4/$FILE/090603%20final%20report%20version%203.pdf))

⁵See for example, Steiner, Benjamin & Wooldredge, John (2008). Comparing State- verses facility-level effects on crowding in U.S. correctional facilities. *Crime and Delinquency*, 54(2), 259-290. Williams, Brie A., MD, Sudore, Rebecca L., MD, Greifinger, Robert, MD, & Morrison, R. Sean , MD (2011). Balancing punishment and compassion for seriously ill prisoners. *Annals of Internal Medicine*, 155(2), 122-126. Worley, Robert M., Tewksbury, Richard, & Frantzen, Durant (2010). Preventing fatal attractions: Lessons learned from inmate boundary violators in a southern penitentiary system. *Criminal Justice Studies*, 23(4), 347-360.

⁶BJS corrections unit staff receive numerous inquiries via ASKBJS, our online request system, and via phone. CSFACF data are used regularly to answer questions regarding the number and location of facilities, sex of inmates housed, prison programming, staff characteristics, and facility operations and security.

3. Use of Information Technology

BJS and the Census Bureau will develop an Internet-based collection site which will allow respondents to submit data in a variety of electronic formats. The data collection website will allow respondents to upload datafiles along with documentation of the file formats in any format which may be suitable for the capabilities and capacities of individual respondents (e.g. uploading of extracted data in Excel spreadsheets, SPSS or SAS datafiles, text files, etc.). In addition to data uploads, respondents preferring to make form-based submissions will be able access forms for each individual facility known to exist prior to the start of the data collection period. Respondents can make revisions, as necessary, to each online form. They will also be able to create forms for facilities which were not known to exist prior to the start of the data collection period.

4. Efforts to Identify Duplication

No other governmental organization collects nationwide comprehensive information on state and federal adult correctional facilities. Facility-level data obtained through the CJ-43 is not attainable from any other data source. The American Correctional Association (ACA) maintains an annual directory of state and federal prison facilities. While the information published by ACA includes many of the same items included in BJS' prison census, the information collected by BJS on items such as inmate and staff characteristics, court orders and consent decrees, and facility operations and security provides a greater level of detail.

BJS also conducted a search of the National Archive of Criminal Justice Data (NACJD) to identify other data collections with information on individual correctional facilities. NACJD, which is sponsored by the research and grant-making bureaus in the Office of Justice Programs (BJS, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Bureau of Justice Assistance), has a stated mission "to facilitate research in criminal justice and criminology, through the preservation, enhancement, and sharing of computerized data resources; through the production of original research based on archived data; and through specialized training workshops in quantitative analysis of crime and justice data." NACJD maintains nearly 2,000 publicly-available criminal justice-related data collections and citations for more than 17,000 books, articles, conference proceedings, and other publications derived from these data collections. The search revealed no duplication with CJ-43. The information and comparisons available to users of the CJ-43 series are unique to this project.

5. Impact on Small Businesses

N/A. The information collection does not involve small businesses or other small entities. The respondents are staff from the state Departments of Correction and the Federal Bureau of Prisons.

6. Consequences of Less Frequent Collection

The CSFACF is conducted every 5-7 years to provide a complete name and address listing of the nation's state and federal correctional facilities and to provide characteristics of both facilities and inmates. Less frequent data collection would not keep pace with the facility utilization and population changes and would not permit comparisons between censuses to measure changes and trends.

This census also is needed to provide the sampling frame for the Survey of Inmates in State and Federal Correctional Facilities, the primary BJS survey of prisoners. Without the sampling frame, BJS could not apply statistical methodologies to accurately field this or other prisoner surveys.

7. Special Circumstances Influencing Collection

The data collection will be conducted in a manner consistent with the guidelines in 5 CFR 1320.6.

8. Consultations Outside the Agency

The research under this clearance is consistent with the guidelines for 5 CFR 1320.6. The 60-day and 30-day notices for public commentary have been published in the Federal Register, on October 31, 2011, at 76 FR 67224-67225 and on January 9, 2012, at 77 FR 1087-1088, respectively (See Attachments 2 and 3).

BJS and Census Bureau staffs maintain frequent contact with data providers and data users in an effort to improve data collection, reporting procedures, data analysis, and data presentation. The individuals listed below have been consulted on such issues as instructions for completion of questionnaires, format and content of the questions, data collection methods, and design of data display:

Bonnie Barr
Colorado Department of Corrections

Michael Dolny
Arizona Department of Corrections

Brad Douglas
West Virginia Division of Corrections

Karen Hall
Texas Department of Criminal Justice

Anthony Iwaszko
Federal Bureau of Prisons
Michael Matthews
Alaska Department of Corrections

Audrey McAfee
Mississippi Department of Corrections

George Mitchell
Maryland Department of Corrections

Tammy Morgan
Kentucky Department of Corrections

Steve VanDine
Ohio Department of Rehabilitation and Correction

Linda Walton
Delaware Department of Correction

9. Payment other than Remuneration to Contractors

N/A. No payment other than remuneration to contractors is provided.

10. Assurance of Confidentiality

The data collected through the prison census represents institutional characteristics of publicly-administered or publicly-funded facilities and are, therefore, in the public domain. No individually identifiable information is requested.

11. Justification for Sensitive Questions

N/A. There are no questions of a sensitive nature included in the CSFACF.

12. Estimate of Respondent Burden

The CJ-43A Facility Roster (See attachment 5) will include a list of the facilities known to be in operation prior to the anticipated June 30, 2012, reference date for the prison census data collection. An estimated 71 respondents from the 50 state departments of correction, the Federal Bureau of Prisons, and approximately 20 operators of contract prison facilities will be sent to a CJ-43A roster. Respondents may use the CJ-43A to aid them in identifying individual facilities in operation in their jurisdictions on the reference date, or they can opt to provide the information based on a list of facilities generated through their own information systems. Because the CJ-43A is intended to be used as an aid and is not intended to be filled out and returned, there is no burden associated with this instrument.

The estimated 71 respondents will be asked to provide basic facility information for an estimated 2,200 facilities adult correctional facilities. The CJ-43B

identifies 10 data elements requested for each facility (See attachment 6). At a meeting of BJS data respondents held in March 2011, staff from state departments of correction and the Federal Bureau of Prisons were asked to review the CJ-43B form and estimate the time required to respond. Based on these reviews, the information requested on the CJ-43B is estimated to require an average of 15 minutes per facility. The total respondent burden associated with this form is estimated to be 550 hours.

Respondents from state departments of correction, the Federal Bureau of Prisons, and corporations operating private prisons will be asked in a future data collection effort to provide detailed facility information for an estimated 2,200 facilities in operation (previously, the CJ-43 form). This collection instrument is under development, but is expected to include items pertaining to facility characteristics, such as facility functions, capacity, and court orders or consent decrees under which facilities are operating; populations characteristics, including special populations housed; staff characteristics; measures of facility security; and facility programs. BJS plans to consult with corrections experts and professionals in determining other topical items that could be included in this collection. The CJ-43 portion of the data collection will be conducted as a second part of the current data collection. As the CJ-43 form has not yet been fully developed, the estimated burden excludes the burden associated with the data to be collected in this form. As indicated in the Federal Register Notices of Information Collection Activities (see attachments 2 and 3), BJS will submit a supplemental approval to OMB when the materials are ready for review.

	<u>Number of Respondents</u>	<u>Number of Responses</u>	<u>Average Response Burden</u>	<u>Estimated Burden Hours</u>
State DoC			50 15 min	1,250 312.50
Federal BoP				1 200 15 min 50.00
Contract corrections operators	<u>20</u>	<u>750</u>	15 min	<u>187.50</u>
Total	71	2,200		550

Assuming an average salary of \$25 per hour for each respondent, we estimate a total annual cost to respondents of \$13,750.

13. Costs for reporting and recordkeeping

N/A. No costs other than the cost of the hour burden exist for this data collection.

14. Cost to the Federal Government

The cost to the federal government for the CSFACF is estimated to be \$590,600 for fiscal year 2012. The cost includes the following:

<i>Estimated costs for the CSFACF for FY 2012</i>	
BJS costs	
Staff salaries	
GS-13 Statistician (25%)	\$26,700
GS-15 Supervisory Statistician (3%)	\$3,700
Fringe benefits (28% of salaries)	\$8,500
Subtotal: Salary & fringe	\$38,900
Other administrative costs of salary & fringe (30%)	\$11,700
Subtotal: BJS costs	\$50,600
Census Bureau costs (Collection agent)	
Census costs (salaries, fringe benefits, forms design, printing, mailout, fax, email and phone follow-up, programming, web maintenance and updating, and Census overhead)	\$540,000
Total estimated costs	\$590,600

15. Reason for Change in Burden

The considerable decrease in burden from 5,100 hours in 2005 (the last time the CSFACF was fielded) to 550 burden hours is attributable to the changes in the proposed data collection. BJS has split the collection into two parts. The CJ-43B requests 10 data elements which were identified by staff at the departments of corrections as requiring little time to report. The 2005 CSFACF requested that respondents report 43 separate data elements, many of which required more time to research and record.

BJS will return to OMB for review of part two of the proposed data collection, burden hour adjustment, and approval of the CJ-43 form we develop.

16. Project Schedule

The anticipated schedule for the 2012 Census of State and Federal Adult Correctional Facilities (CSFACF) appears in the table below:

Planning and preparation	October 2010 - June 2012
Data collection	June 2012 - October 2012
Data editing and processing	July 2012 – November 2012
Delivery of data to BJS	November 2012
Publication of findings	April 2013

17. Request to Not Display Expiration Date

N/A. There are no exceptions to the certification.

18. Exceptions to Certification

There are no exceptions to the certification.

PAPERWORK CERTIFICATION

In submitting this request for OMB approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with including paperwork regulations, statistical standards for directives, and any other information policy directives promulgated under the Paperwork Reduction Act of 1980.

Concurrence:

Signature (Program Signatory)

Date