

## SUPPORTING STATEMENT

### **The Annual Survey of Jails (ASJ) and Survey of Jails in Indian County (SJIC)**

The Bureau of Justice Statistics (BJS) is requesting clearance to conduct the Annual Survey of Jails (ASJ) and Survey of Jails in Indian County (SJIC) through June 30, 2016. Through the ASJ and SJIC, BJS tracks national changes of the demographic characteristics of the jail population as well as changes in the jail population, jail capacity and crowding, the flow of inmates moving into and out of jails, and use of jail space by other correctional institutions. These statistics are part of BJS' core corrections statistics, as they contribute fundamentally to BJS' mission of describing movements of offenders through the criminal justice system.

Specifically, BJS uses the ASJ and SJIC data to describe changes in the jail populations and facility crowding in county and city jails and the year-to-year jail population in Indian country jails over the past several years. These issues have been at the forefront of discussions of corrections policy for decades.

In the ASJ and SJIC, jail administrators provide aggregated-level data that meets the definitions provided by BJS. Critical items in both surveys include:

- At midyear (last weekday in the month of June), the number of inmates confined in jail facilities including; male and female adult and juvenile inmates; persons under age 18 held as adults; conviction status, and race/ethnicity categories (ASJ only);
- The number of new admissions into and final discharges from jail facilities;
- The average daily population;
- Jail rated capacity to hold inmates.

Exclusive to jail jurisdictions selected with certainty in the sample survey, aggregate-level data is collected on the flow of inmates going through jails and the distribution of time served, staff characteristics and assaults on staff resulting in death, and inmate misconduct. Specific to the SJIC, aggregated data is collected on the most serious offense (e.g., domestic violence offense, aggravated or simple assault, drug violation, driving while intoxicated, etc.). While the 2013-2015 survey instruments for the ASJ will not change, the SJIC instrument will include a reduced number of survey items and will also be enhanced to expand on the most serious offense category.

#### **A. Justification**

##### **1. Necessity of Information Collection**

Jails are primarily local, county and community based institutions that confine persons before and/or after adjudication. From June 2010 through June 2011, the roughly 3,000 local jails admitted 11.8 million inmates and reported an average daily population of about 727,000 inmates. While a portion of the confined population are sentenced offenders with an average jail term of one year or less, the majority of this population is comprised of pre-trial inmates being held for variety of other reasons, i.e., awaiting trial or sentencing, mental health holds,

detoxification, temporary holds for other authorities, (such as Immigration Control & Enforcement, the Federal Bureau of Prisons, and state prisons). The unsentenced inmate segment of the jail population places large demands on jail administrators' resources and management capacities. From the perspective of "persons touched" by the correctional system during a period, local jails handle more persons in a given year than the other segments of the correctional supervision system in the U.S. (prisons, probation, and parole) combined.

Through the **Annual Survey of Jails (ASJ)** and **Survey of Jails in Indian Country (SJIC)**, BJS obtains the only national and routinely collected data on local jails nationwide. With these data, BJS is able to track national changes of the demographic characteristics of the jail population as well as changes in the jail population, jail capacity and crowding, the flow of inmates moving into and out of jails, and use of jail space by other correctional institutions. These surveys do not collect individual-level information. Together, these collections provide the only national data available on jail populations that are made available routinely.

BJS is authorized to collect these data by the Omnibus Crime Control and Safe Street Act of 1968, as amended (42 U.S.C. 3732) (see attachment 1), which provides for BJS to collect, analyze, publish, and disseminate information on crime, criminal offenders, victims of crime, and the operation of justice systems at all levels of government for the purposes of providing data or policy makers to address crime problems and ensure efficiency and fairness in the administration of justice.

## 2. Needs and Uses

The ASJ and SJIC fit within BJS's larger portfolio of establishment surveys that cover correctional populations in the United States. BJS's National Prisoner Statistics 1B (OMB Control Number 1121-0102) provide annual data on prison populations, while its Annual Probation Survey and Annual Parole Survey (OMB Control Number 1121-0064) provide annual data on community corrections populations. The ASJ and SJIC complete BJS's annual coverage of corrections populations by providing the jail data. From the combined surveys, BJS has found that 1 in 34 adults in the United States are under some form of correctional supervision.<sup>1</sup>

Begun in 1982, the **Annual Survey of Jails (ASJ)** is a sample-based, annual survey of establishments that provides the source of nationally representative data on jail populations. The aggregated data from each jail enables BJS to count the number and measure the characteristics of inmates held under supervision. Critical elements of the ASJ include the enumeration of: inmates under various supervision statuses, age data for inmates both under and over 18 years of age, number of admissions and releases, non-U.S. citizens held in jails, jail capacity and crowding, and demographic composition of the population. In conjunction with data from BJS's National Prisoners Statistics (NPS) series, BJS is able to estimate and track changes in the prevalence of incarceration in prisons or in local jails in the United States, as well to track changes in the prevalence of incarceration for demographic subgroups, such as race and Hispanic origin, gender, and age. Enhancements to the survey during the last OMB clearance cycle

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<sup>1</sup> Glaze, Lauren E, *Correctional Population in the United States, 2011*, Bureau of Justice Statistics, Washington, DC. Available at: <http://bjs.ojp.usdoj.gov/content/pub/pdf/cpus11.pdf>

include obtaining additional data elements on time served by persons released from jails (including separate data on the unconvicted and convicted jail inmates), on staffing, and on safety and security measures.

The ASJ provide data to meet the needs of jail administrators, researchers, and policy makers to assist them in understanding some of the determinants of changes in jail populations, in deriving policy implications from the changes, and in developing plans to address these changes. For example, by combining ASJ data on flow and time served with data from BJS Deaths in Custody Reporting Program data on mortality in local jails, BJS found that the high volume of suicides in local jails occurring within a relatively short time after admission is explained by the distribution of time served in jail (and in particular that the vast majority of subjects in jail custody have relatively short stays). Consequently, the probability of suicide is relatively constant over time. This information has contributed to reshaping views about the risk of suicide in local jails.

The **Survey of Jails in Indian Country (SJIC)** is the only national data collection effort that provides an annual source of data on Indian country jails, and the SJIC is designed explicitly to address issues in Indian country. Indian country jails are owned or operated by tribal authorities or the Bureau of Indian Affairs (BIA) and confine persons before or after adjudication. Inmates sentenced to jails usually have a sentence of a year or less. The SJIC provides counts from each jail surveyed on the supervision status of persons being held, the age range of those held, including those under age 18, changes in the gender of the jail population, admissions into and releases from Indian country jails, changes in rated capacity, level of occupancy, crowding issues, and growth in the population.

With respect to jails in Indian country, BJS initiated and maintained a similar effort to identify needs and uses of its SJIC data, as well as to assess plans for enhancing the survey. For example, BJS and its data collection agent continue to obtain feedback from participants about its usefulness for their purposes. BIA managers have pointed out the importance of comparative data, both among Indian country facilities and between Indian country and non-Indian country jails. For example, the Office of Justice Programs (OJP) and BIA recently consulted with BJS to identify overcrowded and underutilized Indian country jails to include in their recommendation for participating in correctional alternative program as part of the Substance Abuse and Mental Health Services Administration's (SAMSHA) Tribal Policy Academy initiative. OJP and BIA determined that a "data-informed approach would be the most effective way to objectively target tribes that could benefit from the policy academy."

#### *Annual Survey of Jails*

In the previous OMB clearance cycle, BJS actively engaged its stakeholder communities in an effort to assess their needs for data and information about local jails. Both jail administrators and other data users identified several salient issues that are of particular interest to them, the most important being factors affecting workload and comparative data across systems. Substantive themes that emerged from these discussions included:

- Flow of inmates through jails.
- Describing population in terms of meaningful categories that reflect jail workload
- Length of stay in jail and contribution of length of stay to jail populations;
- Measures of jail capacity and crowding;
- Organization of jails and policy environment, including safety and security issues; and
- Reporting data and capacities of local jails to provide data.

Since 2010, BJS has included measures of safety and security in ASJ as a core component of the survey and plans to produce statistics and indicators of safety and security. Over time, as the number of years of data collected on safety and security increase, BJS should be able to report annual statistics on safety and security. These statistics may include counts, rates, and distributional measures on:

- Staff deaths due to assaults by inmates
- Assaults on correctional staff
- Assaults on other inmates
- Escapes and other violations: Measures of drug, alcohol, weapon possession, and stolen property infractions can be combined into a single indicator or shown separately; measure of the counts and rates of these can be generated.

In addition to tracking changes over time in the indicators of safety and security, we are interested in whether characteristics of jails such as turnover, crowding, etc., (that may be related to management and therefore to safety and security) are correlated with the safety and security outcomes.

Although stakeholder needs for and interests for more data on specific topics vary, BJS's approach is to balance information needs against costs to collect data, the frequency of collection, and the capacity of jail information systems to provide data. The next series of ASJ will continue collecting data that describe the recent decline in the jail population. Supporting information such as, volume of admissions and releases, conviction status, and time served describe the primary/more salient changes in the jail population.

A related workload number is the "reentry number," that is, the numbers released into the community or supervised in the community by local jails. According to the National Institute of Corrections and the Urban Institute's work on the Transition from Jail to Community (TJC) Initiative, jail data including characteristics of the jail population is critical to understanding that the "local reentry landscape is necessary to establish policies and programs that reflect local realities..."<sup>2</sup>

Finally, the distinction between the number of sentenced inmates and those either awaiting disposition or convicted is important to administrators. The sentenced jail population provides an indication of the most stable part of the jail population, as most inmates sentenced to jail can

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<sup>2</sup> National Institute of Corrections and the Urban Institute, 2008. *The Transition from Jail to Community (TJC) Initiative*. Washington, DC: U.S. Department of Justice, National Institute of Corrections.

expect to spend 6 months to a year, and this group contributes to reducing the overall volatility of the jail population. Beginning with the 2010 collection, in an effort to address the prevalence of convicted and unconvicted jail inmates, BJS enhanced the ASJ survey instruments to detail the number of sentenced and unsentenced convicted inmates and the number of unconvicted inmates awaiting trial/arraignment, or transfers/holds for other authorities.

Another of the ASJ modifications has been the annual collection of data on the distribution of time served by inmates discharged from the 334 jail jurisdictions in the country that are selected with certainty in the ASJ. BJS limited this information to this panel of jails in the nation, as administrators contended that smaller jails in all likelihood do not have the information system capacities to provide the detailed data on the distribution of time served. Through the modifications to the ASJ starting in 2010, BJS captured aggregate data on the distribution of time served for the certainty jail jurisdictions. Over a two year period, the item response rate increased from 55% in 2010 to 67% in 2011.

Finally, jail administrators are particularly interested in information on jail capacity and crowding. In the past, BJS collected and reported data on rated capacity and reported the percent of capacity occupied at midyear, where capacity is defined as “rated capacity.” Rated capacity is the number of inmates (beds) that a facility could hold independently of programs as defined by a rating official. Jail administrators cautioned against a limited interpretation of capacity and argued that other measures of capacity are useful and may be more important than rated capacity, as rated capacity does not necessarily reflect the space available to provide treatment, services, or programs. The NIC’s Resource Guide for Jail Administrators demonstrates this point. In an effort to address capacity concerns among jail administrators, the resource guide encourages administrators to describe capacity and jail crowding from a different perspective when addressing funding needs and decision-making, including operating and design capacity.<sup>3</sup>

BJS enhanced the ASJ survey instruments to incorporate a variety of capacity measurements to better understand the jails dynamics. The “Budgeted” or “operational capacity” was added starting with the 2010 collection. It indicates the amount of space that jails have to run various programs. This number can change by relatively large amounts from year-to-year as budgets change. Measuring crowding in relation to budgeted or operational capacity gives an indication of the programming available for inmates. A measure of “design capacity” was also added. This is the number of beds available in the design of a facility and gives a measure of the underlying amount of space available for modification and redesign. Incorporating these additional capacity measurements enabled BJS to describe more accurately the variation and volatility of inmate bed space and crowding, especially as they relate to safety and security in jails. Issues related to overcrowding and safety and security in jails were addressed directly through the request of data on staff and assaults against staff from the largest jails. The utility of collecting capacity measures has proven valuable. A number of jail jurisdictions have revised their rated capacity figures to accurately reflect the distinction between the capacity measures.

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<sup>3</sup> Martin, M.D., and Rosazza, T.A. 2004. *Resource Guide for Jail Administrators*. Washington, DC: U.S. Department of Justice, National Institute of Corrections.

In addition to the survey items in the ASJ, BJS plans to expand the list of survey respondents. In response to the increase in the California jail population as the result of legislature and governor enacted laws to reduce the number of inmates housed in state prisons, BJS plans to collect data from the non-selected California jail jurisdictions (21 respondents) in the sample survey to assess the impact on the national jail population. On May 23, 2011, the U.S. Supreme Court upheld the ruling by a lower three-judge court that the State of California must reduce its prison population to 137.5% of design capacity (approximately 110,000 prisoners) within two years to alleviate overcrowding. In response, the California State Legislature and governor enacted two laws—AB 109 and AB 117—to reduce the number of inmates housed in state prisons starting October 1, 2011. The Public Safety Realignment (PSR) policy is designed to reduce the prison population through normal attrition of the existing population while placing new nonviolent, nonserious, nonsexual offenders under county jurisdiction for incarceration in local jail facilities. Inmates released from local jails will be placed under a county-directed post-release community supervision program (PRCS) instead of the state’s parole system.

### *Jails in Indian Country*

Through ongoing discussions with the varied stakeholders for SJIC, BJS has found that there is general satisfaction with the current survey in that critical questions cover important topics and the accompanying instructions for completing the survey are clear. While there are interests in expanding the content of the SJIC to cover topics such as the number of transactions (e.g., transfers to and from counts or among other justice agencies, in addition to admissions/discharges), direct and indirect supervision of inmates, and Indians sent to detention services in other states due to overcrowding, the general consensus at this time seems to be that providing these data is beyond the information system capacities of most jail administrators in Indian country.

To address the potential for expanding the survey content to meet additional needs, during the next several years BJS will, in conjunction with its data collection agent, participate in a series of conferences and meetings with Indian country officials to discuss the content and capacities to provide data. BJS’ data collection agent (Westat) also has been charged to implement a process for reviewing and assessing the JIC survey for the purposes of enhancing and expanding it to address significant gaps in the JIC collection. The process will include convening meetings of experts in the issues related to Indian country jails (e.g., tribal members, jail professionals, Indian country criminal justice experts, academics who study Indian country issues, and others) for the purpose of reviewing the data collection instrument, identifying gaps in the collection, assessing the costs and challenges associated with obtaining data to fill gaps, and developing methodologies to obtain the data. The review and assessment will cover all aspects of the Survey of Jails in Indian Country, including the content of the survey, modes of administration, communication with the field about the survey, statistical products from the data collection, and dissemination of products.

### **Proposed survey instruments**

The forms and information content for this collection are outlined in the following order: (1) the

components of the Annual Survey of Jails (ASJ) including the CJ-5, CJ-5A, CJ-5D, and CJ-5DA; and (2) the Survey of Jails in Indian Country (SJIC) CJ-5B.

*The Annual Survey of Jails collection consists of four forms:*

- **CJ-5 and CJ-5A** (see attachments 4 and 5): These forms go to jail jurisdictions in the ASJ sample that are not selected with certainty. The CJ-5 form is sent to jail jurisdictions operated by the county or city while the CJ-5A is sent to privately owned or operated confinement facilities;
- **CJ-5D and CJ-5DA** (see attachments 6 and 7): These forms go to jail jurisdictions in the ASJ sample that are selected with certainty. Both forms request additional information about the distribution of time served, staffing, and inmate misconduct that are not requested on the CJ-5 and CJ-5A. The CJ-5D is mailed to jurisdictions operated by the county or city while the CJ-5DA is mailed to confinement facilities administered by two or more governments (Regional jails) and privately owned or operated confinement facilities.

All jail jurisdictions will be asked to report their average daily population, peak population count, admissions and releases, and aggregate counts of demographic characteristics of the confined inmate population including: sex, adult/juvenile breakouts, non-U.S. citizens, race/ethnicity and the number of inmates being held for Federal, State and other local jail authorities. Also collected will be data on the number of persons under jail supervision but not confined (e.g., electronic monitoring, day reporting, etc.), detailed data on inmate conviction status (sentenced or unsentenced), the number of unconvicted inmates awaiting trial/arraignment, or transfers/holds for other authorities. Jail administrators will also be asked to report the rated capacity, operating capacity and design capacity of their facility.

As in the previous OMB clearance cycle, in addition to the above information, the respondents of the CJ-5D and CJ-5DA forms will also be asked to provide additional information including:

- (a) The distribution of time served by inmates discharged from custody, broken out by whether the inmates were convicted or unconvicted;
- (b) The number of correctional officers and other staff employed by jail facilities;
- (c) The number of inmate-inflicted physical assaults (and counts) on correctional officers and other staff and the number of staff deaths as a result;
- (d) The number of inmates, by category, who were written up or found guilty of a rule violation.

In 2010, the first year of collecting this information, we assessed the quality of the data and determined next steps for the data collection team to focus on improving item response. Over a two year period, the item response rate for (a) increased from approximately 55% in 2010 to 66% in 2011; (b) from 95% in 2010 to over 99% in 2011; (c) from 95% in 2010 to nearly 100% in 2011; and (d) approximately 87% in 2010 to 97% in 2011. In the spring of 2013 we will have three years of data to report on these data elements. In addition to the annual bulletins, BJS plans to release a special report that tracks indicators of staff safety in local jails based on the expanded items BJS began collecting in 2010 from certainty jail jurisdictions.

## *Survey of Jails in Indian Country*

Through the SJIC, BJS is able to track changes in the number of inmates held in tribal or BIA operated facilities. The BJS data on Indian country jail inmate population movements meet stakeholder needs for understanding the change in jail populations. Of particular concern to jail administrators are information on the composition of jail populations—such information on the total volume of inmates handled by Indian country jails during a given period of time and facility crowding.

BJS is proposing to expand on the most serious offense question (question 5 in CJ-5B). Going forward, this question will be expanded to gather greater detail on other non-violent offenses that currently fall into the generic “other offenses” category. This expansion more specifically identifies offenses unknown in the data collection. Over the past few years there has been increase interest by Congress, tribal leaders, and federal agencies to improve the criminal justice system in Indian country. Improving the justice system includes identifying crime in Indian country and collecting criminal justice data. The Tribal Law and Order Act of 2010 (P.L. 111–211) requires BJS to submit to Congress a report describing the data collected and analyzed on crimes in Indian country.

In 2002, BJS enhanced the most serious offense categories to include domestic violence. In 2004, this item was enhanced even further to gather expanded information on violent offenses including, domestic violence, simple and aggravated assault, rape and sexual assault, and other violent offense. Over a seven year period between 2004 and 2011, the percentage of inmates held for a violent offense declined from 40% to 30%.<sup>4</sup> Also during this period, the percent of inmates held for all other offense grew from 40% in 2004 to 54% in 2011.

In response to the increase in the number of inmates captured in “other offense,” BJS is proposing to add burglary, larceny-theft, and public intoxication to the most serious offense category (question 5 in CJ-5B). Currently, nearly 7 in 10 Tribal Law Enforcement agencies linked to Indian country jails reported on offenses known to police in the FBI’s Uniform Crime Reporting program.<sup>5</sup> Similar to the Indian country jail inmate population, nearly 3 in 10 offenses known to police (includes violent and property crime only) were violent crimes. Around 7 in 10 offenses known to police were property crimes, including burglary, larceny-theft, motor vehicle theft, and arson. In addition to crimes known to police, respondents from the Indian country survey have also noted that a number of inmates in their counts were confined for disorderly conduct and public intoxication.

In addition to expanding the most serious offense categories, BJS is enhancing the survey by eliminating a number of survey items that resulted in significant respondent burden and data

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<sup>4</sup> Minton, Todd D. (2012) *Jails in Indian Country, 2011*, Bureau of Justice Statistics, Washington, DC. Available at: <http://bjs.ojp.usdoj.gov/content/pub/pdf/jic11.pdf>.

<sup>5</sup> FBI-UCR, *Crime in the United States, 2010: Table 11. Offenses Known to Law Enforcement by State, Tribal, and Other Agencies, 2011*. Federal Bureau of Investigation, 2011.



quality issues. The resources utilized to validate these survey items have also increased, while data quality has declined. BJS proposes to eliminate a number of items in an effort to reduce respondent and collection agent burden. The rate to validate and revise reported data proposed for elimination is nearly triple that of critical items, such as the midyear inmate population and characteristics, average daily population (ADP), and admission and releases from jail. Due to data quality issues, these items are excluded from analysis in the resulting report, *Jail in Indian Country*. The benefit for eliminating these items include, a reduction in the data collection time, reduction in validation attempts and collection agent resources, and an acceleration in the dissemination of the resulting report. The cost savings obtained eliminating such items from the survey outweigh the benefits of keeping them in.

The CJ-5B (SJIC) will go to respondents from Indian country correctional facilities operated by tribal authorities or the Bureau of Indian Affairs (BIA) (currently there are 82 facilities). They will be asked to provide information for the following categories (see attachment 8):

Proposed Instrument:

- (a) At midyear (last weekday in the month of June), the number of inmates confined; in jail facilities including; male and female adult and juvenile inmates; persons under age 18 held as adults; convicted and unconvicted males and females; persons held for a felony, misdemeanor; their most serious offense (e.g., domestic violence offense, aggravated or simple assault, driving while intoxicated, burglary, etc.).
- (b) The average daily population during the 30-day period in June;
- (c) The date and count for the greatest number of confined inmates during the 30-day period in June;
- (d) The number of new admissions into and final discharges during the month of June;
- (e) From July 1 of the previous year to June 30 of the current collection year: the number of inmate deaths while confined and the number of deaths attributed to suicide and the number of confined inmates that attempted suicide;
- (f) At midyear, the total rated capacity of jail facilities;
- (g) At midyear, the number correctional staff employed by the facility and their occupation (e.g., administration, jail operations, educational staff, etc.)

Eliminated survey items (see attachment 9 previous SJIC instrument):

- (a) Question 11: At midyear, the inmate housing characteristics and the number held (e.g., single occupied cells or rooms, multiple occupied units originally designed for single occupancy; multiple occupied units designed for multiple occupancy, temporary holding areas, etc.).
- (b) Question 12: At midyear, whether or not the jail facility was under a Tribal, State, or Federal court order or consent decree to limit the number of persons it can house (and the count), and/or for conditions of confinement;
- (c) Question 13: At midyear, the number of male and female correctional staff employed by the facility and their occupation status (e.g., payroll staff, nonpayroll, or contract nonpayroll staff).
- (d) Question 16: From July 1 of the previous year to June 30 of the current collection year: the number of jail operation employees hired for employment; the number of jail operation

- employees separated from employment;
- (e) Question 17: At midyear, how many specific jail operation employee positions were vacant?

### *Users of BJS Jail Data*

Governmental officials, policy makers, researchers, and advocates have used the data from the ASJ and SJIC widely, and BJS anticipates that the data collected during 2013-2015 will also be used by similar sets of stakeholders. Examples of users and uses of these data include the following:

**U.S. Congress**—Congress has used BJS jail data to evaluate the adequacy of jail and correctional facilities to meet growing inmate populations and to assess the needs of States and local jurisdictions for bed space relative to available resources. For example, both the Senate and House versions of the Criminal Justice Reinvestment Act of 2009 (S. 2772 and H.R. 4080) cite BJS data on jail population growth between 2000 and 2008 as well as BJS data on jail admissions. These data describe the conditions that the legislation aims to ameliorate. In the Second Chance Act (P.L. 110-199), congress refers to BJS jail data to illustrate the significant number of persons released from jails into the community. Some members of Congress (e.g., Senator Thune, SD) have a strong interest in criminal justice issues in Indian country and have used SJIC data to understand trends in corrections in Indian country. The Tribal Law and Order Act of 2010 (P.L. 111–211) requires BJS to submit to Congress a report describing the data collected and analyzed on crimes in Indian country.

**National Institute of Corrections**—The NIC is a major consumer of BJS data, as it uses BJS data on jails to evaluate local jail conditions, establish standards, and assess needs for technical assistance and training for local jail officials. Data from BJS’ ASJ and its statistical reports derived from ASJ are regularly cited in NIC publications on local jails. These publications are broadly disseminated throughout the jail administrator community.

**Office of Justice Programs**—The Assistant Attorney General for OJP requests BJS jail data on various topics. The resulting report from the SJIC was cited numerous times in OJP’s Tribal Law and Order Act: Long Term Plan to Build and Enhance, section on Facility Operations and Management Challenges. Most recently, requests have focused on SJIC data, particularly as they pertain to the utilization rate of jail space and recommending tribes with jails to implement correctional alternative programming to incarceration.

**Office of Tribal Justice, DOJ**—The office is the primary point of contact for the Department of Justice with federally recognized Native American tribes, and advises the Department on legal and policy matters pertaining to Native Americans. OTJ refers to the SJIC and resulting report as a selected resource on corrections and detention.

**National Institute of Justice**—NIJ uses BJS jail data to provide a comparative analysis of prison and jail conditions. Specifically, NIJ used SJIC data to analyze jail conditions in Indian country to study conditions of confinement as outlined in the Department of Justice

appropriations for fiscal year 2006 in response to a recommendation in the U.S. House of Representatives Conference Report No. 108–792. The purpose is to understand the factors that affect conditions of confinement in Indian Country by comprehensively describing the operation of the criminal justice system, how it varies from one jurisdiction to another, and how different criminal justice structures and systems affect the administration of justice.

**Bureau of Indian Affairs**—The BIA works collaboratively with BJS on Indian country issues and uses SJIC data to develop annual statistics on BIA and tribally operated facilities, and to provide its managers with comparative data with which to assess jail operations and programs.

**Office of Juvenile Justice and Delinquency Prevention**—OJJDP uses ASJ and SJIC data to identify the number of juveniles housed in adult correctional facilities, to assess whether they are detained as adults or pending juvenile court processing.

**Local, city, and tribal jail administrators**—These officials use BJS jail data to assess inmate populations and characteristics within their own jurisdictions relative to others and to determine needs and budget requirements. For example BJS staff respond to requests for information from local jail officials about how their jurisdictions compares to other jurisdictions of comparable size or in a nearby geographic location.

Other jail administrators have used the BJS data to articulate a case for including jails in the discussion of reentry policy. Notable among these is Arthur Wallenstein, head of the Montgomery County (Maryland) Department of Correction and Rehabilitation. As a prominent leader among jail administrators, Wallenstein used BJS data on jail bookings as part of his case to include local jails in national discussions of offender reentry (sponsored by the Urban Institute) by demonstrating that local jails handle many times (about 15-16 times) the volume of offenders in a given year that prisons handle.

**Facility Administrators in Indian country**—The administrators use SJIC data to assess jail conditions within their own jurisdictions relative to others and to determine needs and budget requirements.

In addition to the government agencies using BJS’s jail data, researchers, special interest groups, associations of corrections professionals, and other members of the public rely on BJS data regularly to meet some of their information needs about corrections populations. For example:

**The Pew Foundation’s** report “One in 100: Behind Bars in America, 2008” used BJS’s ASJ data to measure the number of jail inmates incarcerated nationwide, to which they added data from BJS prisoner surveys to calculate that 1 in 100 adults was incarcerated in the U.S. Pew later followed up with a report called “1 in 31” in which they not only used BJS ASJ’ data but cited the finding in BJS press releases on correctional populations about the prevalence of correctional supervision in the United States. Through their use of BJS jail data, Pew has been able to document the scope of corrections and make their case for reducing the size of institutional correctional populations.

**Various researchers** have used ASJ data in a variety of studies, some of which have been previously cited in this document. In addition to these, a sample of other studies using ASJ data includes:

- Baradaran, S., F.L. McIntyre (2012) “Predicting Violence,” *Texas Law Review* 90(3): 497-570.
- Hopper, J.D. (2008) “The Effects of Private Prison Labor Program Participation on Inmate Recidivism” *Middle Tennessee State University*.
- Klofas, J. (1990) “Measuring Jail Use: A Comparative Analysis of Local Corrections,” *Journal of Research in Crime & Delinquency*, 27(3), 295-317.
- Maruschak, L., W. Sabol, R. Potter, L. Reid, and E. Cramer (2009) “Pandemic Influenza and Jail Facilities and Populations,” *American Journal of Public Health*, 99(s2), S339-S344.
- Spaulding A.C., R. M. Seals, M.J. Page, A.K. Brzozowski, and W. Rhodes, (2009). “HIV/AIDS among Inmates of and Releases from US Correctional Facilities, 2006: Declining Share of Epidemic but Persistent Public Health Opportunity,” *Plos One*, 4(11), e7558. (From MEDLINE full-text database.)
- Solomon, A., J. Osborne, S.F. LoBuglio, J. Mellow, and D. Mukamal, (2008), *Life after Lockup: Improving Reentry from Jail to the Community*, Washington, DC: The Urban Institute.
- Tomic, A., J.K. Hakes (2008) “Case Dismissed: Police Discretion and Racial Differences in Dismissals of Felony Charges,” *American Law and Economics Review* 10(1): 110-141.

In addition, various associations use BJS jail data to provide information to their members about conditions in corrections. For example, Gwyn Smith-Ingley, former executive director of the American Jail Association, describes in her executive directors remarks piece, that “[o]ne very important aspect to any intelligent jail is an awareness of relevant data”. The publication cites the ASJ resulting report, *Jail Inmates at Midyear 2009-Statistical Tables*. (See Smith-Ingley, G., “Jail Stats and a Study,” *American Jails*, Vol. 24, No. 5, p 7.)

The National Association of Counties (NACo) undertook a project to describe the infrastructure in counties throughout the United States. As part of the project, they are creating a database to use to profile each county in the U.S. Part of the profile will include correctional resources, and in particular, they will use ASJ data, along with BJS data from its jail censuses, to populate the database.

### 3. Use of Information Technology

In an effort to reduce respondent burden, the Annual Survey of Jails uses the latest in form design and function. BJS has also continued to reduce the complexity of the questions and has included more definitions and counting rules next to the related items. These changes were attempts to make the survey easier to complete and to reduce measurement error. These changes were tested in 1994 and have been implemented since 1995 with remarkable success.

Since 2000, BJS has offered a web reporting option for respondents and will continue to do so. Since the inception, the use of the web option has increased steadily, from 12% in 2000 and 27%

in 2006, to about 55% in 2011 and 2012.

The web reporting system includes a limited set of online edit checks to identify data entry errors by respondents. BJS has also implemented computer methods for reviewing and editing the entered data in more detail. A set of decision rules are coded and the code is run against the data to identify out-of-range or erroneous values and to assess the impacts of out-of-range values on quantities to be estimated. These methods are used to make decisions about priorities for follow-up contact with respondents.

#### 4. Efforts to Identify Duplication

The jail surveys are not duplicated by any other program or government agency. BJS conducted a search of the National Archives of Criminal Justice Data (NACJD) to identify other data on jails that are archived there. The search did not reveal any duplication with ASJ or SJIC. BJS also consulted with staff at the American Jail Association and the American Correctional Association—both of which are member organizations serving corrections administrators—about their knowledge of other, similar collections. They were not aware of any other collections similar to the ASJ and SJIC. No other organization collects comparable data on inmates in local, city, or tribal jails.

BJS and the Census Bureau are collaborating on a research project with the aim of comparing BJS' prison and jail facility frames to the Census Bureau's ACS Group Quarters' frame. The project will involve matching BJS facility information with Census GQ facility information to determine the overlap and discrepancies between the two frames. This exercise will help in identifying new/unique facilities. The project is beneficial to both agencies. The BJS frame can be of help to the Census Bureau in updating the ACS GQ frame; while studying the ACS GQ frame can improve the BJS frame coverage should coverage error be found to exist and it can provide a basis for BJS to reweight the ACS GQ data up to its known population totals and thereby utilize ACS GQ survey data to help BJS describe changes in the composition of jail populations.

#### 5. Efforts to Minimize Burden

The ASJ (CJ-5, CJ-5A, CJ-5D, CJ-5DA) and SJIC (CJ-5B) forms collect data that are available from the current record-keeping practices of jail jurisdictions. The arrangement of the items on the form reflects a logical flow of information to facilitate comprehension of requested items and to reduce the need for follow-up. BJS also provides several modes by which respondents may submit data, by mail, fax, or web response. The use of sampling in the ASJ also reduces burden relative to a census of jails.

The CJ-5D and CJ-5DA also reflect BJS's efforts to minimize burden. These forms, which ask for data on additional items about length of stay and safety and security, go only to large jail jurisdictions, which generally have better information system capacities than smaller jails. The information from these large jails comprise more than half of the nation's jail population and will minimize burden on smaller jails. However, BJS expects that the items on the CJ-5D and CJ-5DA will generate interest among smaller jails and encourage them to improve their reporting

capacities so that they can potentially participate in this portion of the survey in the future.

#### 6. Consequences of Less Frequent Collection

Absent the ASJ, BJS would be able to provide information on jail population movements only intermittently through its periodic censuses of jails. BJS conducts censuses of jails periodically (about every 6-5 to 7-6 years) primarily for the purposes of obtaining frame and jail operations information such as staffing and expenditures. BJS completed the most recent census in 2006, but as demonstrated through the ASJ, absent annual data on jail population movements, BJS would not have been in the position to detect the slowing of the jail inmate population growth during the latter part of the current decade or the decrease in jail populations that occurred between 2009 and 2011.

Further, as the primary purpose of the jail censuses is to develop frame information used for the ASJ and for BJS jail inmate surveys, utilizing the jail censuses to obtain data collected through ASJ and SJIC would likely harm participation in the censuses. Moreover, through its Annual Survey of Jails and Survey of Jails in Indian County, BJS is able to provide annual, nationally-representative data on jail population movements. Less frequent collection would preclude BJS from tracking changes in the prevalence of the correctional population nationwide (the 1 in 34 statistic cited earlier). More importantly, it would preclude BJS from identifying changes in jail inmate populations in the inter-census years. For example, using ASJ data, BJS has been able to document declines in jail population since 2009 and the impact of the Public Safety Realignment policy on California jails population since 2011. At the same time, BJS has documented important changes in components of the jail population—such as the number of non-US citizens, the number held for other authorities, and the expansion of jail capacity that has kept pace with jail population growth.

Because of limited resources and budgetary considerations, the current ASJ panel has been utilized longer than the traditional 5 to 6 years. BJS plans to keep the current panel of jail jurisdictions in the sample until completion of the 2014 Annual Survey Jails. BJS plans to conduct a Census of Jails for yearend 2013. This new Census will be used to design and draw a new sample for ASJ. BJS expects to use the new sample for the 2015 ASJ.

#### 7. Special Circumstances

Not applicable. There is no circumstance in which a respondent would respond more than once a year and provide more data than on the survey form.

#### 8. Consultations Outside the Agency

The ASJ and SJIC collections are consistent with the guidelines in 5 CFR 1320.6. The 60 and 30-day notices for public commentary were published in the Federal Register. BJS maintains

frequent contact with data providers and data users in an effort to improve data collection, reporting procedures, data analysis, and data presentation.

#### 9. Paying Respondents

Participation in the surveys is voluntary and no gifts or incentives will be given.

#### 10. Assurance of Confidentiality

BJS' pledge of confidentiality is based on its governing statute Title 42 USC, Section 3735 (see attachment 10), which establish the allowable use of data collected by BJS. Under this section, data collected by BJS 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. BJS staff, other federal employees, and BJS data collection agents shall not use or reveal any research or statistical information identifiable to any specific private person for any purpose other than the research and statistical purposes for which it was obtained.

#### 11. Justification for Sensitive Questions

There are no questions of a sensitive nature included in the Annual Survey of Jails or the Survey of Jails in Indian Country. In addition, the data collected and published from the surveys are summary totals from which the identity of specific private persons cannot reasonably be determined.

#### 12. Estimate of Hour Burden

A separate form will be used for each survey form. The CJ-5 and CJ-5A, will be sent to 576 respondents from sampled county and city jails. In addition, to better assess the changes in the California jails population due to Public Safety Realignment policy, these forms will be sent to all the California jail jurisdictions that are not part of the original ASJ panel sample. This translates into an additional 21 respondents. The CJ-5D and CJ-5DA will be sent to 374 respondents that are included with certainty in the ASJ sample survey, and the CJ-5B (SJIC form) will be sent to respondents from 82 Indian country correctional facilities operated by tribal authorities or the Bureau of Indian Affairs (BIA).

The respondent burden is kept to a minimum by collecting data from a central reporter. For the Survey of Jails in Indian Country all forms are sent to a central reporter. For the Annual Survey of Jails, approximately 90% of respondents are central reporters. Jail jurisdictions that have more than one respondent (about 97) to the survey receive either the CJ-5A or the CJ-5DA. This group is made up of privately owned or operated confinement facilities, and account for approximately 4% of all respondents. Table 1 provides the burden estimate:

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**Table 1. Respondent burden for ASJ and SJIC**

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| <i>Number of</i> | <i>Average time</i> | <i>Annual reporting</i> |
|------------------|---------------------|-------------------------|
|------------------|---------------------|-------------------------|

| <i>Type of form</i> | <i>respondents</i> | <i>required</i> | <i>hours</i> |
|---------------------|--------------------|-----------------|--------------|
| CJ-5 or CJ-5A*      | 576                | 1.25            | 720          |
| CJ-5D or CJ-5DA     | 374                | 2.00            | 748          |
| CJ-5B               | 82                 | 1.25            | 103          |
| <b>Total</b>        | <b>1,032</b>       |                 | <b>1,571</b> |

\*Includes the additional 21 California jail respondents. These jails are excluded from the sample roster and the resulting jail population estimates.

### 13. Estimate of Cost Burden

We do not expect respondents to incur any costs other than that of their time to respond. The information requested is of the type and scope normally collected as part of their operations and no special hardware or accounting software or system is necessary to provide information for this data collection. Respondents are not expected to incur any capital, startup, or system maintenance costs in responding. Further, purchasing of outside accounting or information collection services, if performed by the respondent, is part of usual and customary business practices and not specifically required for this information.

Questionnaires and a self-addressed stamped envelope are mailed to each respondent. The information requested is normally maintained electronically as administrative records in the jail facilities.

Based on the total burden hours at an average of \$25.00 per hour (based on Bureau of Labor Statistics data), we estimate the annual cost to respondents to be \$39,260 per year.

**Annual Survey of Jails (ASJ):** The CJ-5 and CJ-5A forms are estimated to take 1.25 hours per year for a total cost of \$31.25 per respondent. The estimated total burden for all 576 CJ-5 and CJ-5A respondents is about \$18,000. The CJ-5D and CJ-5DA forms are estimated to take 2.0 hours per year for a total cost of \$50 per respondent. The estimated total burden for all 374 CJ-5D and CJ-5DA respondents is \$18,700. The total respondent cost per year for the entire ASJ collection is \$36,700.

**Survey of Jails in Indian Country (SJIC):** The CJ-5B form is estimated to take 1.25 hours per year for a total cost of \$31.25 per respondent. The estimated total cost for all 82 CJ-5B



respondents is \$2,560.

#### 14. Cost to the Federal Government

This OMB clearance request encompasses three survey collections and account for unique costs to the government. Combined, these four collections are estimated to cost the government \$456,500. Below are individual cost descriptions for each collection followed by the associated costs table.

**Annual Survey of Jails (ASJ):** Currently, the division of labor for a data collection cycle on the Annual Survey of Jails is as follows: The Census Bureau maintains and updates the website and database, conducts the mail-out of survey forms, conducts follow-up, collects the data, produces non-response weighting adjustments, prepares a dataset and preliminary data documentation for BJS analysis and review. BJS staff analyzes the data, prepares statistical tables, and writes reports based on these data.

Based upon 2013 BJS salaries and Census Bureau costs incurred during 2012 (plus 3.5% inflation), the estimated costs to the government associated with the collection, processing, and publication of reports, and preparation of data tables are projected for 2010 in the table that follows. Total estimated costs of \$330,500 are divided between the Census collection costs (\$282,600) and BJS analysis, reporting and dissemination costs (\$47,900). Both BJS and Census costs include salary, fringe, and overhead. Census costs include costs in addition to salary as described in table 2.

**Survey of Jails in Indian Country (SJIC):** Currently, the division of labor for a data collection cycle on the Annual Survey of Jails in Indian Country is as follows: Westat Inc. maintains and updates the database, conducts the mail-out of survey forms, conducts follow-up, collects the data, prepare facility level tables, and prepares a dataset for BJS analysis. BJS staff analyze the data, prepare statistical tables, and write reports based on these data.

Based upon contractual costs, the estimated costs to the government associated with the collection, processing, and publication of reports, and preparation of data tables are projected for 2013 in the table that follows. Total estimated costs of \$126,000 are divided between the Westat Inc. collection costs and table creation (\$78,100) and BJS analysis, reporting and dissemination costs (\$47,900). BJS costs include salary, fringe, and overhead. Both BJS and Westat costs include salary, fringe, and overhead. Westat costs include costs in addition to salary as described in table 3.

| <b>Table 2. Estimated costs for the 2013 Annual Survey of Jails</b>            |  |                  |
|--|--|------------------|
| <b>Table 3. Estimated costs for the 2013 Survey of Jails in Indian Country</b> |  |                  |
| 15.  | BJS costs  |                  |
|  | Staff salaries   |                  |
|  | GS-13 Statistician (25%)   | \$22,300         |
|  | GS-15 Supervisor/Statistician (3%)   | \$27,000         |
|  | GS-15 Chief Editor/Statistician (3%)   | \$13,000         |
|  | Other Editorial Staff (3%)   | \$21,000         |
|  | Front Office Staff (GS-15 & Directors)   | \$6,200          |
|  | Subtotal salaries  | \$30,000         |
|  | Fringe benefits (33% of salaries)  | \$9,900          |
|  | Subtotal Salary & fringe   | \$39,900         |
|  | Other administrative costs of salary & fringe (20%)  | \$8,000          |
|  | Subtotal: BJS costs  | \$47,900         |
|  | Census Bureau costs (Contractor)   |                  |
|  | Westat Inc., costs (Contractor)  |                  |
|  | design, printing, mail-out, fax, email and phone follow-up, programming, web maintenance and updating, and Census programming, table creation, and overhead) | \$78,100         |
|  | Subtotal: Westat Inc. costs  | \$78,100         |
|  | Subtotal: Census costs   | \$258,200        |
|  | <b>Total estimated costs</b>   | <b>\$336,100</b> |

Reason for Change in Burden

**Annual Survey of Jails (ASJ):** The change in burden is due to the inclusion of the 21 respondents from California jail jurisdictions that are not part of the original sample.

**Survey of Jails in Indian Country (SJIC):** The change in burden is due to the increase in the

number of Indian country jails and the exclusion of the CJ-5B Addendum that was collected during the previous OMB approved cycle.

## 16. Plans and Publications

BJS' plans for products and publications from ASJ and SJIC data over the next three years. Annually, BJS releases statistical tables that report on population trends in local and Indian county jails. These data provide a "first cut" from an annual collection, and focus on the overall change in jail populations and patterns of change from 2000 through current.

From the ASJ, the annual bulletin shows rated capacity of jails and percent of capacity occupied. It provides estimates of admissions to jails, details the volume of movement among the jail population, and presents the distribution of jail inmates by sex, race/ethnicity categories, and Hispanic origin. From the SJIC, the resulting bulletin provides trends in the number of adults and juveniles held, type of offense, number of persons confined on the last weekday in June, peak population, average daily population, admissions in June, and average expected length of stay in jail upon admission. It also provides data on rated capacity, facility crowding, and jail staffing, and counts of inmate deaths and suicide attempts. BJS will archive the ASJ and SJIC data at the National Archive of Criminal Justice Data on an annual basis. As done in the past two years, upon release of the report, the public-use data set will also be available.

In addition to the annual bulletins, BJS plans to release a special report that tracks indicators of staff safety in local jails based on the expanded items BJS began collecting in 2010 from certainty jail jurisdictions.

Among the indicators suggested as measures of safety and security are those related to safety of inmates and staff and inmate misconduct. These comprise the core measures in ASJ. Over time, as the number of years of data collected on safety and security increase, BJS plans to report annual statistics on safety and security. These statistics include counts, rates, and distributional measures.

So far BJS has created the panel for the 2010 and 2011 dataset for analysis and will add the 2012 data in the next several months. Once this step is complete, BJS will evaluate the response rates for all three years and address data quality issues. The preliminary analyses will be used to develop a methodology to address these issues. Next steps will include work on the model specification and estimation methods with the goal to publish a special report on staff safety and security in 2014.

| <b>Type of BJS publication</b> | <b>Title/topic of publication/product</b> | <b>Estimated publication date</b> |
|--------------------------------|---|-----------------------------------|
| Annual bulletin                | <i>Jail Inmates at Midyear, 2013</i>      | February/March 2014               |
| Annual bulletin                | <i>Jail Inmates at Midyear, 2014</i>      | February/March 2015               |
| Annual bulletin                | <i>Jail Inmates at Midyear, 2015</i>      | February/March 2016               |
| Annual bulletin                | <i>Jails In Indian Country, 2013</i>      | June/July 2014                    |
| Annual bulletin                | <i>Jails In Indian Country, 2014</i>      | June/July 2015                    |
| Annual bulletin                | <i>Jails In Indian Country, 2015</i>      | June/July 2016                    |
| Special report                 | Jail Staff Safety and Security            | February/March 2014               |

17. Reason for Not Displaying Expiration Date

Not applicable. The expiration date will be shown on the survey forms.

18. Exceptions to the Certification

Not applicable. There are no exceptions identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

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**Contractor contacts for the Annual Survey of Jails include:**

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**Contractor contact for the Survey of Jails in Indian Country (CJ-5B only):**

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**C. Attachments**

1. BJS authorizing legislation, Omnibus Crime Control and Safe Street Act of 1968, as amended (42 U.S.C. 3732)
2. The Violent Crime Control and Law Enforcement Act of 1994
3. The Violent Crime Control and Law Enforcement Act of 1994, Title II, Subtitle A, Public Law 103-322, as amended, 42 U.S.C. § 13709
4. Data Collection Instrument (CJ-5)
5. Data Collection Instrument (CJ-5A)
6. Data Collection Instrument (CJ-5D)
7. Data Collection Instrument (CJ-5DA)
8. Data Collection Instrument (CJ-5B)
9. Previous Data Collection Instrument (CJ-5B)
10. 42 U.S.C. 3735 Section 304
11. ASJ-Sample cover letter announcing data collection
12. ASJ-Sample Paperless Fax Image Retrieval System (PFIRS)
13. ASJ-Nonresponse follow-up instructions
14. SJIC-Sample cover letter announcing data collection
15. SJIC-Sample pre-notification cover letter

16. SJIC-Sample nonresponse fax follow-up