

PAPERWORK REDUCTION ACT SUBMISSION

SUPPORTING STATEMENT

Agency: Office of Juvenile Justice and Delinquency Prevention (OJJDP)
Title: Juvenile Residential Facility Census (JRFC)
Form: CJ-15
OMB No.: 1121-0219 (current approval expires 9/30/2013)
Request: Extension, without change, of a currently approved collection

A. JUSTIFICATION

1. Circumstances of the Collection

The Office of Juveniles Justice and Delinquency Prevention (OJJDP) is seeking clearance of the Juvenile Residential Facility Census (JRFC), a biennial data collection (form CJ-15) which is sent to facilities that hold juvenile delinquent and/or juvenile status offenders. Information collected via that JRFC include: the security procedures in the facility, the number of beds used, the health care, mental health treatment, education, and substance abuse treatment in the facility. Also collected is information about the use of isolation, escapes or runaways from the facility, and deaths in the facility JRFC complements OJJDP's Census of Juveniles in Residential Placement (CJRP)¹, a biennial census of youth held in the same juvenile facilities. The JRFC is collected during the even number years, while the CJRP is collected in odd years. The JRFC has been conducted seven times: 2000, 2002, 2004, 2006, 2008, 2010, and 2012.

Since 1971, the Department of Justice has taken a strong interest in juveniles in custody, the operation of the facilities in which they are located and the services available to them while in custody. In 1971, the Department fielded the Children in Custody Census (CIC), a census of juveniles in custody (more formally: The Census of Public and Private Juvenile Detention, Correctional, and Shelter Facilities.) OJJDP took over the operations of this census in 1974 with the passage of the Juvenile Justice and Delinquency Prevention Act. Two decades later, OJJDP conducted a broad examination and revision of its data collection efforts covering juveniles in custody. This effort included extensive consultation with experts interested in the data produced, discussions with respondents, and extensive testing of questions and methodologies. As a result of this effort in 1997, OJJDP conducted the first CJRP replacing the population component of the former the CIC data collection. Concomitantly, development of the JRFC commenced in 1996. The testing phase was completed in 1999 when

¹CJRP collects individual level data on youth being held in residential placement resulting from contact (i.e., arrest, probation, probation revocation, etc.) with the justice system. As the complement to the JRFC, the CJRP is used to collect information on juvenile offender characteristics (age, sex, race) and state of origin. The CJRP has been collected in 1997, 1999, 2001, 2003, 2006, 2007, 2011, and is planned for 2013.

the final report on the October 1998 field test was provided to OJJDP.

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

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

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

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

--42 U.S.C. 5661

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

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

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

(B) the race and gender of the juveniles;

(C) the ages of the juveniles;

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

(E) the number of juveniles who died while in custody and the

circumstances under which they died; and

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

--42 U.S.C. 5617

Copies of the relevant sections of the JJDP Act are included under Attachment B of this PRA package.

2. Purpose of the Information

The data collected from the JRFC has and will continue to inform the nation's understanding of residential facilities holding youth within the justice system. No other single data collection, national or State-level, collects the quality or volume of information gathered by this Census. OJJDP has several different purposes for the data:

- Collect information on i conditions of confinement.
- Describe facilities' security levels.
- Report on deaths of juveniles while in custody as required by Congress (42 U.S.C. 5617)
- Provide biennial counts of the youth in these facilities
- Report on education services within the facilities
- Examine and describe mental health and substance abuse treatment
- Report on health care services in the facilities.

In 1988, Congress required OJJDP to conduct a systematic study of the conditions of confinement in secure juvenile facilities. The Conditions of Confinement (CoC) study brought to light a number of important issues concerning the treatment, safety, security, and services of juveniles in such facilities. The study was released in 1991. The CoC study (1) collected and analyzed data on conditions of confinement in public and private juvenile facilities, (2) determined the extent to which conditions were consistent with those required by nationally recognized standards for juvenile confinement facilities, (3) suggested explanations for variations in conformance to standards among facilities, and (4) assisted OJJDP in formulating recommendations for improving conditions of confinement. Findings from this study highlighted the importance of understanding conditions of confinement and were used to inform the development of the JRFC. Specifically, the study authors recommended that OJJDP modify the CIC (the precursor to the JRFC) to regularly collect information from facilities including data on isolation and searching, incidence of injuries, escapes, suicidal behavior, and average duration of confinement. These elements were eventually incorporated into the JRFC.

OJJDP consults with the data providers and others in the juvenile justice and corrections field on an ongoing basis to ensure that the information being collected is relevant and useful. See items 4, 8 and 9 of the Supporting Statement for more information regarding consultation with experts and others. OJJDP also works diligently to ensure that JRFC findings are made available to practitioners in the field and the general public. See item 16 for more information about dissemination of results and availability of the data for secondary analyses.

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

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

OJJDP and the Census Bureau continue in their commitment to reduce the burden of data collection and costs for both respondents and collectors, as well as increase data quality, by promoting electronic data submission. Electronic submission allows the data providers the ability to either fill out an electronic form via the respondent web application or submit a data file created by running a program which can be written once and reused to pull data for multiple years. For the data collectors, electronic submission results in less time being spent on the editing process, hence offsetting and/or reducing costs, as well as improving data quality--since data pulled directly from the respondents' data systems are not subject to human error created when transposing data from paper to computer. To ensure that a particular data format is accepted, the Census Bureau encourages respondents to contact them with any inquiries regarding electronic data submission.

The sensitivity and security of JRFC data continues to be maintained with the electronic data submission option because the Census Bureau's secure servers use "HTTPS," Hypertext Transfer Protocol over Secure Socket Layer. This ensures the encrypted transmission of data between the respondents' browser and the U.S. Census Bureau. In other words: instead of sending readable text over the internet, both the respondents' and the Census Bureau's servers encode (scramble) all text using a security key. Consequently, in the unlikely event the data are intercepted by an unauthorized party, personal data sent to the respondents' browser or data the respondent send back are rendered difficult to decode. All browsers connecting to the Census Bureau's secure server must use a minimum encryption key size of 128 bits.

The electronic submission option has proven to be popular among respondents. Since the commencement of the electronic data submission in the 2008 JRFC, online data submission has increased to 33.3% (839 files), making it the second most popular method of return (see Table 1). Mailed submissions dropped to 48.9%. The remaining 18.8% of submissions were received via fax and phone during non-response follow-up..

	<u>Frequency</u>	<u>Percentage</u>
Total	2519	100.0%
Mail	1232	48.9%
Fax	261	10.4%
Phone	187	7.4%
Electronic Submission	839	33.3%

4. Efforts to identify duplication

OJJDP has endeavored to uncover all sources of information on youth involved in the juvenile justice system; however currently, no other entity routinely and systematically collects the type of data on juvenile facilities found in the JRFC. OJJDP’s previously funded Juvenile Statistics and Systems Development Project study also concluded that national information on the conditions of confinement, availability of services and the safety and security of juveniles in facilities is not available in any other national data collection. Similarly, conversations with staff from other Federal agencies have revealed no other Federal data collections that supply this data routinely and completely. Indeed, other Federal agencies often turn to OJJDP for information on services provided by juvenile correctional facilities.

In an effort to avoid duplication and assist its sister agencies, OJJDP is currently collaborating with (or has recently assisted) the Bureau of Justice Statistics (BJS), the National Institute on Drug Abuse (NIDA), and the Department of Education’s National Center for Education Statistics (NCES) and Office of Civil Rights (OCR). Specifically, OJJDP annually provides BJS with an updated roster of the juvenile residential facilities for use in their National Survey of Youth in Custody part of the BJS’s National Prison Rape Statistics Program. Additionally, OJJDP is planning to enter into an information transfer agreement with NIDA and their grantee (Chestnut Health Systems) to provide a roster and data to assist with NIDA’s JJ Trials project: The Behavioral Health Services in

Juvenile Justice Community Supervision (BHSJJCS) National Surveys of Juvenile Court Judges, Probation/Parole and Provider Agency Directors.

Note that both the BJS and NIDA collections have different purposes, priorities, and schedules than the JRFC. BJS's NSYC collects mandated data on the incidence and prevalence of sexual assault in juvenile facilities under the Prison Rape Elimination Act of 2003 (PREA; P.L. 108-79), while the JRFC focuses on a much broader spectrum of the conditions of confinement and services within facilities. Similarly, NIDA's JJ Trials is a one-time collection investigating the use of evidence-based substance abuse and HIV prevention services available to youth in confinement

In addition, in order to avoid possible future duplication, OJJDP has begun discussions with the Department of Education's NCES and OCR to determine how the JRFC might assist with, or supplement, Department of Education collections including the Civil Rights Data Collection. Although these collections also differ in purpose and scope, plans are underway to convene a federal workgroup to discuss areas of possible future collaboration.

Finally, to ensure this information is not collected by other non-federal entities, the Census Bureau and OJJDP conducted extensive literature reviews during the development of this census, and have continued to monitor the research literature as the JRFC has been administered. All such reviews have indicated that this information is not independently available through other means. Some States and localities maintain similar information, yet it is often incomplete. In any event, such localized information sources do not cover the entire country, which is the intent of the JRFC.

5. Impact on small businesses and small entities

Recent trends in ownership of juvenile residential facilities have shifted from government ownership to private owner, making it necessary to include small business and entities in the JRFC universe. For example, results of the 2010 Juvenile Residential Facility Census indicate that of the 2,545 facilities holding 67,219 youthful offenders, almost half (46.4%) were owned by private (non-profit and for-profit) agencies.² These private agencies were responsible for the well-being of almost one fourth (15,405) of youthful offenders in all juvenile facilities. The remaining 53.4% of all juvenile facilities were government (federal, state, territory, and tribal) owned (see table 2).

Comparatively, private facilities tend to be smaller, holding fewer juvenile offenders, with 43.0% (510) of private agencies holding 10 or fewer juvenile offenders compared to 25.1% (338) of government-owned agencies. Alternately,

² Data from the 2010 Juvenile Residential Facility Census is the most recent data available. Data collection of the 2012 Juvenile Residential Facility Census is currently being collected and analyzed.

124 government agencies held over 100 juvenile offenders compared to just 20 private agencies. These differences impact agency funding, staffing, offender treatment programs offered, and a variety of other facility conditions. By including smaller private agencies in the JRFC universe, OJJDP can better identify, study, and track these and other differences between government and private facilities and the impact that these difference have on the conditions of confinement for youth.

	Facilities		Youth offenders	
	Number	Percent	Number	Percent
		of total		of total
Total	2,545	100.0%	67,219	100.0%
Governmental	1,349	53.0%	51,484	76.6%
Private	1,185	46.6%	15,405	22.9%
Non-profit	1,088	42.8%	12,829	19.1%
Profit	97	3.8%	2,576	3.8%
Tribal/territories	11	0.4%	330	0.5%

6. Consequences of not conducting the data collection

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

Prior to the JRFC, OJJDP relied on the *Census of Public and Private Juvenile Detention, Correctional, and Shelter Facilities* to provide information on all aspects of juvenile residential facilities. As an explicit decision, the Office separated the new data collection effort into two separate censuses: the Census of Juveniles in Residential Placement (CJRP) collects population information on juveniles in residential facilities, and the Juvenile Residential Facility Census (JRFC). JRFC is designed to collect facility level information. See Supporting Statement item 2 for more information about the origin of the collection.

7. Special circumstances

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

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

8. Outside consultation

- a.) The Department of Justice announces the data collection in the *Federal Register* in accordance with 5 CFR 1320.8(d). OJJDP will welcome and respond to all questions and comments on the JRFC. All such questions or comments will be considered, and logical or necessary changes will be made to the instrument. The 60-day and 30-day Federal Register announcements are included in this package. Currently, no public comments have been received.
- b.) During the development phases of this project, OJJDP consulted extensively with experts in the field. These consultants provided expert advice on the operations and population of the specific facilities. Additionally, OJJDP revisits the form after each collection to determine the value of the information being collected, the phrasing and content of questions, and the form structure. OJJDP also relies on experts in the field of juvenile corrections to advise the agency regarding needed changes, deletions or additions to the form. This information is gathered through periodic phone calls of the “OJJDP Corrections Data Working Group,” as well as through conferences, regional meetings with State Juvenile Justice Specialists, and internal agency meetings. A list of the many individuals involved in advising OJJDP regarding the JRFC and other data collection activities is included in Attachment A.
- c.) The Institutional Review Board (IRB) review of the JRFC conducted in 2013 is included as Attachment I.
- d.) From 1993 through 1998, OJJDP and the Center for Survey Methods (CSMR) at the Census Bureau worked to develop and improve the JRFC questionnaire. During this time, staff at CSMR visited over 50 individual facilities asking very specific questions about the operation of the facility, the format of the questionnaire, and the facility’s ability to complete the form. Important also during the testing was the burden

placed on the respondents because both OJJDP and CSMR understood fully that an overburdensome form would result in high nonresponse rates.

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

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

9. Justification of compensation

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

10. Assurance of confidentiality

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

11. Justification for sensitive questions.

OJJDP's interests would not be served if many facilities declined participation due to particularly sensitive questions. Therefore, the Census Bureau and OJJDP have paid particular attention to the views of the respondents toward particular issues and questions. All questions deemed too inflammatory or sensitive were removed (such as questions about severe disciplinary actions)

during the pretesting stage. The final tests of the questionnaire, as well as the five JRFC administrations to date, indicate that most respondents do not consider the questions too intrusive or sensitive. However, one set of questions still has a sensitive nature: the final section on deaths in the facility.

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

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

Based on responses from the facilities, between 1988–1994, there were an average of 46 deaths reported nationally per year, including an annual average of 18 suicides. Over the years 2000–2010, those averages dropped to 20 deaths overall and 8 suicides.. In 2010, the most recent year for which there is data, facilities reported 11 deaths—5 were suicides. While juvenile deaths in custody are rather rare, they are often indicative of the conditions in the facilities. In order to develop policies affecting the safety and security of persons in these facilities, it is vital to know what circumstances can potentially lead to death. For example, a substantial number of all deaths in custody arise from suicides. Knowing this fact, administrators, policy makers and staff can take appropriate action to assure that youth in danger of suicide receive appropriate treatment and attention. Similarly, if a substantial number of persons are killed by other residents, policy makers can take appropriate action to defuse any potentially dangerous situations.

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

12. Estimates of hour burden

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

services provided.

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

	Facilities		Burden hours	
	Number	Percent	Average	Total
		of total		
Total	2,545	100.0%	2	5090
Governmental	1,349	53.0%	2	2698
Private	1,185	46.6%	2	2370
Non-profit	1,088	42.8%	2	2176
Profit	97	3.8%	2	194
Tribal/territories	11	0.4%	2	22

However, the number of respondents has decreased from 2,767 in 2010 to an anticipated 2,545 in 2014. Consequently, with an average burden of 2 hours, the total number of annual burden hours requested has decreased 444 from 5,534 annual hours to 5,090.

13. Estimates of cost burden

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

14. Estimate of annualized cost to the Federal Government

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

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

2008	750,000
2009	155,000
2010	850,000
2011	150,000
2012	650,000*

On average, the annual cost of the JRFC to the Federal government is approximately \$483,000. The costs of the survey fluctuate from year to year, peaking in the years the census is conducted and declining in the off years.

*FY2012 costs declined due a modest carryover of prior year funding as well as efficiencies gained at the US Census Bureau by outsourcing some respondent outreach activities to an independent contractor.

15. Reasons for program changes

This application does not include any changes from the previously approved form. Consequently, there is no expected change to the level of burden on the respondent nor the cost burden to the Federal Government.

16. Plans for tabulation and publication

OJJDP considers publication of the JRFC information important not only for Federal agencies, but also for enhancing the work of the facilities themselves. OJJDP has developed a comprehensive system for analysis and distribution of the information collected. Under this plan, OJJDP funds a cooperative agreement to the National Center for Juvenile Justice (NCJJ) for the National Juvenile Justice Data Analysis Project (NJJDAP). The NJJDAP analyzes the JRFC data and produces standard fact sheets, bulletins, and reports for publication by OJJDP. (Please see Attachment L for the most recent JRFC Bulletin). An additional way that the data are released are via OJJDP’s online Statistical Briefing Book, located at <http://ojjdp.ncjrs.org/ojstatbb/index.html>. Under the NJJDAP which was re-competed in FY13, OJJDP also plans to expand the JRFC module on the Statistical Briefing Book.

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

The JRFC data files are also available for use by other researchers through the National Archive of Criminal Justice Data part of the Inter-university

Consortium for Political and Social Research (ICPSR) at the University of Michigan (<http://www.icpsr.umich.edu/icpsrweb/NACJD/series/254>). Recently, OJJDP has made a concerted effort to speed up the data archiving process to make the data publicly available as soon as possible. Consequently, CJRP and JRFC concatenated matched facility-level data are now available through 2010.

In an effort to promote the publication of research findings from the JRFC and to increase its utility to the field, OJJDP has facilitated panels at the 2012 National Institute of Justice (NIJ) Annual Conference and the 2012 American Society of Criminology (ASC) Annual Meeting to educate researchers and students about OJJDP data availability. A panel is also planned for the November 2013 ASC entitled: OJJDP's Resources for Researchers. The panel will highlight OJJDP data available for secondary analyses.

Additionally, over the past two years (FY12 and FY13) OJJDP has partnered with NIJ and the Bureau of Justice Statistics to issue a joint solicitation: OJP Data Resources Program: Funding For Analysis of Existing Data to award grants for secondary analysis of data (including the JRFC) (<https://www.ncjrs.gov/pdffiles1/nij/si001029.pdf>). OJJDP will award two grants under this solicitation in FY13.

Finally, OJJDP had planned to award a data analysis fellowship in FY2013 to fund a scholar whose primary role would have been to develop analysis plans of the Juvenile Census collections data (see <http://www.ojjdp.gov/grants/solicitations/FY2013/Data%20Improvement%20Specialist.pdf>). Unfortunately, none of the applicants were deemed sufficiently qualified to award a fellowship; however, OJJDP plans to modify the solicitation and increase its promotion in the hopes of attracting a suitable candidate in FY14.

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

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

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

No exceptions to the certification statement are requested or required.