

SUPPORTING STATEMENT

The National Prisoners Statistics Program (NPS)

The Bureau of Justice Statistics (BJS) is requesting clearance to conduct the National Prisoner Statistics Program (NPS) through May 31, 2017. Through the NPS, BJS collects annual aggregate counts of prison inmates in the custody and under the jurisdiction of state and federal prisons, as well as the number of inmates admitted to or released from prison. BJS uses the NPS to report each year on the changes to and movement through state and federal prison systems by sentenced offenders. These statistics are part of BJS's core corrections statistics, as they contribute fundamentally to BJS's mission of describing movements of offenders through the criminal justice system.

Specifically, BJS uses the NPS data to describe changes in the composition and factors affecting the expansion and contraction of the prison population in the United States. These are issues that have been at the forefront of discussions of corrections policy for decades. In its most recent annual bulletin on prisoners, BJS used NPS data in concert with data from the National Corrections Reporting Program (OMB #1121-0065) to explain longitudinal changes in the demographic, sentencing, and offense characteristics of state prison inmates caused by changes in the types and volume of prison admissions and releases since 1978. BJS has been able to use the NPS data to chart the rapid decrease in the California state prison population under its Public Safety Realignment policy (state laws AB 109 and AB 117), enacted in the wake of a Supreme Court ruling in 2011, requiring a resolution to the severe overcrowding of the state's prison facilities.

The NPS collects aggregate data on a number of standardized measures from each state department of corrections, the Federal Bureau of Prisons (BOP), and corrections officials in 5 U.S. territories and commonwealths. The variables collected include sex-specific counts of:

- The number of inmates in the physical custody of the state/BOP/territory/commonwealth on December 31 of the previous calendar year, including counts of those with unsentenced commitments, those sentenced to one year or less, and those sentenced to more than one year;
- The number of inmates under the legal jurisdiction of the state/BOP/territory/commonwealth on December 31 of the previous calendar year, regardless of where they are being physically held, including counts of those with unsentenced commitments, those sentenced to one year or less, and those sentenced to more than one year;
- A breakdown of inmates under jurisdiction being held in out-of-state prisons, in local jails, or private prisons on December 31 of the previous calendar year;
- The race and Hispanic origin of all prisoners under custody on December 31 of the previous calendar year;
- The number of total admissions, broken down by type of admission, during the entire previous calendar year;

- The number of total releases, broken down by type of release, during the entire previous calendar year;
- The design, rated, and operational capacity of all prison facilities on December 31 of the previous calendar year;
- The number of inmates in custody on December 31 of the previous calendar year who were non-citizens of the U.S.;
- The number of inmates in custody on December 31 of the previous calendar year who were under the age of 18 years, but held in an adult facility;
- The number of inmates confirmed to be HIV positive or have AIDS on December 31 of the previous calendar year, as well as several questions regarding the testing policies for this disease.

At the request of OMB during the previous clearance review of NPS in 2011, BJS suspended the midyear collection of aggregate prisoner statistics (the NPS-1A), and focused solely on obtaining annual values through its yearend collection (the NPS-1B). While BJS intends to redesign the NPS-1A to serve as a rotating series of short supplemental surveys for state and federal departments of corrections on topics including prevalence and testing for a wider range of infectious diseases, mental health testing and treatment, and reentry preparation programs, BJS will seek OMB clearance for those surveys separately and on an individual basis when they have been fully developed and pilot-tested through BJS's generic OMB clearance (OMB # 1121-0339).

The current clearance request does not contain any change to the items collected on the NPS-1B. The only change involves an updated estimate of burden hours to include respondents from the 5 U.S. territories and commonwealths, that fill out an abbreviated form. All questions remain the same as the NPS-1B form that was cleared through May 31, 2014.

A. Justification

1. Necessity of Information

Between 1978 and 2009, the U.S. prison population increased 430%, from 294,400 inmates in state and federal facilities in 1978 to 1,553,600 at yearend 2009. Even after three years of slight decline (2.7% between 2009 and yearend 2012), the number of males imprisoned in 2012 constituted almost 1% of male U.S. residents. The size and impact of imprisonment in the United States are such that they have been at the center of several policy discussions by state legislators, governors, and the U.S. Attorney General during the past several years. Imprisonment, the nation's most serious punishment for crime short of execution, is its most costly sanction. Not only have costs related to the construction and operation of correctional institutions increased nearly four-fold (in real dollars) over the past 30 years to almost \$40 billion in 2010, but the social and economic costs imposed on released prisoners, families of imprisoned persons, and communities have also grown exponentially as millions more former inmates face disenfranchisement and reduced employment and housing opportunities. The

sizable investments by states in recent years in managing prison populations have led to renewed calls about the purposes and benefits of incarceration, and these debates have only intensified as states' budgets have suffered in the current economic climate.

The National Prisoner Statistics Program (NPS) is BJS's official data collection to measure the size, composition, and changes over time in the U.S. prison population. As such, the counts from NPS are used by a wide range of researchers, stakeholders, and policy makers in evaluating the efficacy of existing prison policies.

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

The current NPS collection approved by the Office of Management and Budget (OMB # 1121-0102), due to expire May 31, 2014 (the *National Prisoner Statistics Summary of Sentenced Population Movement* (NPS-1B)), collects information on the prison population on December 31st of each year. The NPS-1B collects prisoner counts by race/ethnicity, the number of admissions and releases in the calendar year (by type), capacity figures, and the testing policies and number of inmates with HIV or confirmed AIDS.

The information gathered in the NPS represents a long-standing effort to provide national and state-level estimates of the prison population, as well as changes in the movement of inmates and the sex and racial distribution. While other professional associations and interest groups have conducted periodic collections of similar data, the NPS is the only ongoing annual collection that uses comparable reporting and standardized definitions across jurisdictions, has adapted to changing data needs, and has made the effort to present consistent data across years and jurisdictions. The burden involved in collecting the NPS is warranted by the fact that the NPS data are widely used by the components of the U.S. Department of Justice, Congress, journalists, researchers, students, and the individual states as a source of national and comparative data on prison populations (see examples of this in the Needs and Uses section below). The NPS series as a whole is a source of valuable information for criminal justice planning and policy development at the state and federal levels.

The detailed summaries of the prison population in the NPS, combined with data from other BJS sources, provide information with which decision makers can measure the effects of sentencing and release policies on the sources of growth and change in the inmate population. By gathering annual admission, release, and standing population figures, the NPS series represents the core set of data that agencies and communities use to develop approaches to address issues such as changes of the prison population composition and size, and the needs of

offenders returning to the community following incarceration.

In addition to being used to describe movements of sentenced prisoners, the NPS is used to measure changes in the number of prisoners serving sentences of more than 1 year. This demarcation—between those serving more than 1 year and all prisoners—enhances comparability among states, as states vary on the types of prisoners that they hold, including some unsentenced prisoners and prisoners serving less than 1 year. The NPS data on admissions of probation and parole violators, as well as other conditional release violators, are used to describe movements of offenders under correctional supervision between various stages of the criminal justice system.

If these data were no longer collected, the data users would be forced to gather information from multiple entities that maintain different population measurement standards and definitions. Legislative, judicial, and executive government decision-makers would lose a source of valuable information for criminal justice planning and policy formulation and researchers would lose a trusted source of trend data on the size and characteristics of the prison population if the NPS data series was discontinued.

The Omnibus Crime Control and Safe Street Act of 1968 (see Appendix 1), as amended (42 U.S.C. 3732) authorizes BJS to compile data on the movement and characteristics of state and federal prison populations. Under Title 42 of the United States Code, Section 3789, BJS collects NPS data for statistical purposes only, does not release data pertaining to specific individuals in the NPS, and has in place procedures to guard against disclosure of personally identifiable information. NPS data are maintained under the security provisions outlined in U.S. Department of Justice regulation 28 CFR §22.23, which can be reviewed at: <http://bjs.ojp.usdoj.gov/content/pub/pdf/bjsmpc.pdf>.

The U.S. Census Bureau served as the primary collection agency for NPS through the 2013 data collection. This project was funded through an interagency agreement on an annual basis, with an end date of July 31, 2014. Starting on August 1, 2014, collection of the NPS data will be transferred to Abt Associates, Inc., BJS's data collection agent for the National Corrections Reporting Program (NCRP), which collects individual-level data on state prison inmates. In 2015, BJS will release a competitive solicitation that combines collection of NPS and NCRP for 5 years.

Reassigning the collection of NPS data from Census to Abt Associates was based on past concerns with data timeliness and leveraging the improvements Abt Associates is making on the NCRP. To produce useful statistics for the prison population, it is important that BJS publish these far earlier than the November/December dates of the past few *Prisoner* reports. Since BJS stopped collecting advance yearend numbers for NPS to reduce burden on respondents through the NPS-1A, production of the annual reports in 2012 and 2013 was delayed based on several late-reporting states. The Census Bureau was not responsive to BJS's requests for earlier data delivery (including expedited delivery of only certain key statistics for states that are waiting on other elements until later in the year). In addition, NPS and NCRP share data respondents in many of the states, and the data elements for both collections are derived from

the same state databases. Combining the collection of the two datasets into a single request on behalf of BJS will reduce contact burden for the respondents, and since NCRP obtains records of inmates in custody of the states, as well as admissions and releases, states submitting to NCRP could potentially be excused from supplying the aggregate counts for these items to NPS, should the two enumerations agree over time. Finally, NPS data quality control processes and follow-up procedures by the Census Bureau proved unsatisfactory, requiring BJS analysts to make additional contacts with data providers to verify and update data that should have been flagged as incongruous upon initial submission and processing.

2. Needs and Uses

In 2009, the Committee on National Statistics (CNSTAT) of the National Academies issued its report detailing the findings of its review of BJS.¹ The CNSAT review addressed the full range of programs at BJS and examined (among other things) how BJS statistics are used in order to determine the impact of BJS programs and the means to enhance the impact. The CNSTAT report identified several gaps in coverage of BJS corrections statistics and suggested several improvements to its portfolio that could assist in filling the gaps, including the need to emphasize the flows and transitions of inmates in the corrections system. Since the publication of the CNSTAT report, BJS has increasingly used NPS to address this gap in knowledge.

In 2013, BJS used NPS data to highlight the role that admissions and releases have played in the U.S. prison population increase in its annual bulletin (*Prisoners in 2012: Trends in admissions and releases 1991-2012*, NCJ 243920). Decomposing admissions and releases from state prisons by offense type, race/ethnicity, sex, and type of admission or release, BJS found that at the height of growth in the state prison population, over 40% of admissions were due to parole violations, compared to less than 20% in 1978. All admissions for drug offenders decreased between 2006 and 2011, but readmissions to prison of drug offenders for parole violations were down 31% over that 5-year period. Particularly among non-Hispanic blacks, new commitments and parole revocations to prison for drug convictions have decreased precipitously over the past 20 years. In 1991, 64% of new drug offenders received sentences of less than 5 years; in 2011, this increased to 85%. Both the decrease in prison admissions and readmissions of lower level offenders, and shorter sentence lengths have contributed to the small decrease observed in the prison population over the last three years. In addition to a smaller overall population, the offense distribution of state prisons has changed; over half of all state prison inmates (53.5%) were serving time in 2011 for violent offenses, in contrast to 44.6% in 1991.

BJS has also charted the rapid decline of the prison population in California using NPS data for the past two years in its Corrections Unit publications. Since California is the third largest

¹ National Research Council (2009). "Ensuring the Quality, Credibility, and Relevance of U.S. Justice Statistics. A Panel to Review the Programs of the Bureau of Justice Statistics". Robert M. Groves and Daniel L. Cork, eds. Committee on National Statistics and Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press.

correctional jurisdiction (after the Federal Bureau of Prisons and Texas), large changes in its population drive changes in the overall U.S. prison population. By combining NPS data with BJS's Annual Survey of Jails (OMB # 1121-0094) and Annual Surveys of Probation and Parole (OMB # 1121-0064), BJS observed the increase in low-level offenders sentenced to jail (instead of prison) that was expected under California's new Public Safety Realignment. The NPS data also captured a complete reversal of prison release type, which had major implications for the parole population. In 2010, 98% of inmates released from California prisoners had some type of community supervision after their imprisonment. In 2012, only 37% were released with post-custody conditions, leading to a decrease in the number of parolees. Between 2010 and 2012, the state prison population in California decreased by 18.3% and the parole population declined by 20.7%.

BJS's recurring uses of NPS data

BJS makes the NPS data available to correctional administrators and staff, Congress, researchers, and the public through multiple reports on the status of the corrections population each year, the most recent of which are *Prisoners in 2012: Advance Counts* (NCJ 242467), *Prisoners in 2012: Trends in Admissions and Releases, 1991-2012* (NCJ 243920), and *Correctional Populations in the United States, 2012* (NCJ 243936). These reports contain state-level counts of the prison population, admissions, releases, and juveniles, non-citizens, and prison capacities, and present the percent change in these measures over time. In addition to these annual reports, BJS has published a snapshot of the HIV prisoner population from this data, *HIV in Prisons, 2001-2010* (NCJ 238877).

NPS counts of custody and jurisdiction populations are used to calculate mortality rates in the annual statistical tables from BJS's Deaths in Custody Reporting Program (DCRP; *Mortality in Local Jails and State Prisons, 2000-2011: Statistical Tables*, NCJ 242186). The state prison population counts were also used to calculate the cost per inmate of imprisonment and changes in those costs over time in the BJS report *State Corrections Expenditures, FY 1982-2010* (NCJ 239672). In March, BJS expects to publish results from its study of recidivism of inmates released from prison in 2005 and followed for 5 years. While the primary data used in this analysis came from NCRP, national estimates of recidivism rates are based on the NPS jurisdiction population. Finally, NPS data serve as the official prison population counts for computing the weights for the BJS prison inmate surveys (including the National Inmate Survey, the primary data collection vehicle for the Prison Rape Elimination Act).

BJS statisticians use the NPS data to answer questions posed by Department of Justice officials and officials of other Federal agencies, State and local officials in conjunction with jail administrators, researchers, and planners to analyze the current trend and growth patterns, and the public seeking information. Users of this data include the following:

- Congress – to evaluate the adequacy of correctional facilities and state resources to meet inmate population needs and to assist the states and the Bureau of Prisons in

protecting inmates²;

- National Institute of Corrections – to evaluate State and Federal prison conditions, establish standards, and assess the needs for technical assistance and training for prison staff and administrators³;
- Bureau of Justice Assistance – to allocate formula grants proportional to number of inmates held by each state, such as the Residential Substance Abuse Treatment for State Prisoners and the Second Chance Act grants;
- State corrections officials – to assess conditions within their own jurisdictions relative to others and to determine needs and budget requirements;
- Department of Education – to serve as control totals for their survey on prisoner literacy
- Researchers – to estimate the impact of imprisonment on crime, as well as evaluate correctional and criminal justice policies⁴;
- The public – to make informative decisions about crime and punishment within their own jurisdictions⁵.
- The media – to publish national and state-level stories on prison populations, including on differences in imprisonment rates by race/ethnicity, the decline in the prison population for the past three years, and the impact of state-level policies on the prison population.

BJS attends the American Correctional Association (ACA) conference regularly and briefs the Association of State Correctional Administrators (ASCA) and other professional members on findings from the NPS collection, the status of current collections, planned changes or upcoming surveys, as well as receive any feedback they have on the collection and BJS reports. Professional conferences are also an opportunity to discuss current and future data collections with stakeholders, emphasizing that any and all input they have for survey items, implementation, and collection are important to BJS.

External use of NPS data

In July 2013, the 1978-2011 NPS data were made available to the public through an online data analysis tool on the BJS website (<http://www.bjs.gov/index.cfm?ty=nps>). In addition to allowing users to create and download custom tables from the data back to 1978, BJS maintains longitudinal “quick tables” of commonly requested variables and key statistics (total and sentenced jurisdiction counts, custody counts with and without private prisons, prison admission and release types, and special populations) by sex and jurisdiction that can be immediately downloaded by the public and cover the entire span of data (currently 1978-2012).

² NPS figures have been cited consistently in legislation to illustrate the number of persons affected by incarceration, estimated persons at risk within facilities, and former offenders in need of community resources. Examples include the Deaths in Custody Reporting Act of 2000 (P.L. 106-297), the Prison Rape Elimination Act of 2003 (P.L. 108-79), and the Second Chance Act of 2007 (P.L. 110-199).

³ Most recently, national estimates of sexual victimization in prison facilities generated by NPS totals have been used as a basis for training and assistance in prisons across the nation to revise policy pertaining to inmate safety.

⁴ A consistent inquiry from researchers and students is trend data by state, race, sex, and admission and release type that only the NPS can provide.

⁵ Corrections staff receive regular inquiries from ASKBJIS, our online information request mechanism. The NPS data are used daily to answer questions regarding prison population size by state, incarceration rates, juveniles held in adult facilities, non-citizens held, admissions and releases by type, and inmate characteristics by race and sex.

NPS data covering the years 1978-2011 were also submitted to the National Archive of Criminal Justice Data (NACJD) for the first time on January 16, 2013. These data were released for public download and analysis on June 25, 2013

(<http://www.icpsr.umich.edu/icpsrweb/NACJD/studies/34540?archive=NACJD&q=nps&permit%5B0%5D=AVAILABLE>). Through January 31, 2014, 657 unique individuals had viewed the NPS data page at NACJD, and 278 persons had downloaded the dataset and accompanying documentation. Of the 657 unique users, 50 were faculty members, 89 were graduate students, 54 were undergraduate students, and 464 did not list an affiliation. The study had been downloaded by users at 75 academic institutions, including universities in the United States, Canada, and Great Britain.

NPS data have also been used extensively by criminal justice researchers, particularly since the archiving of the data. Totals from NPS were cited by Raphael and Stoll⁶ in their discussion of prison population growth, and Pfaff⁷ used the NPS prison admission and release data along with data on arrests and prosecution to dissect the reasons behind the increase. He concluded that prosecutors are ultimately responsible for the prison population growth by increasing the number of felony filings over time. Johnson and Raphael⁸ examined the rapid increase in the number of prison inmates between 1978 and 2004 to compare the costs and benefits of imprisonment. They found that while increased imprisonment (as measured using the NPS data) was related to substantial reductions in crime between 1978 and 1990, the huge growth in the prison population after 1990 was associated with much smaller decreases in the amount of crime committed.

Many researchers turn to the race/ethnicity data collected in NPS to measure disparity in corrections. Using NPS and NCRP data, Lum et al⁹ employed epidemiological models to show that race-specific sentence differences for drug offenders yielded large disparities in the rate of imprisonment for blacks and whites. Heimer et al.¹⁰ combined NPS data on black and nonblack females from 1981-2003 with data on welfare spending, household income, and the number of female-headed households to test whether race-specific imprisonment rates were affected by changes in measures of poverty over time. They found that imprisonment rates for all females grew when governments spent less money on welfare, and as the number of persons living below the poverty level increased, imprisonment rates for black females increased, but those of nonblack females did not change.

3. Use of Technology

⁶ Raphael S, Stoll MA. 2013. Why are So Many Americans in Prison? Russell Sage Foundation, New York, NY.

⁷ Pfaff J. 2012. The micro and macro causes of prison growth. *Georgia State U Law Rev* 28: 1237-1272.

⁸ Johnson R, Raphael S. 2012. How much crime reduction does the marginal prisoner buy? *J Law Econ* 55: 275-310.

⁹ Lum K, Swarup S, Eubank S, Hawdon J. 2013. An agent-based epidemiological model of incarceration. <http://arxiv.org/pdf/1312.1670.pdf>.

¹⁰ Heimer K, Johnson KR, Lang JB, Rengifo AF, Stemen D. 2013. Race and women's imprisonment: Poverty, African American presence, and social welfare. *J Quant Criminol* 28:219-244.

The NPS-1B survey is mailed to each state respondent with a letter requesting participation and information on how to report using on-line using the web form. In 2013, all but two respondents submitted their data on the web. Two states chose to FAX their forms to BJS's data collection agent, where staff entered the data into the secure website for the respondents. In 2014, all respondents are being encouraged to submit data via the website.

4. Efforts to Identify Duplication

This research does not duplicate any other questionnaire or work being done by any other Federal agencies. BJS is the only Federal government agency that collects comparable data on inmates in State and Federal prisons.

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

The NCRP collects annual individual-level administrative records on all admissions and releases to and from the custody of state prisons, as well as records for inmates in custody on December 31. Information collected in NCRP includes sentencing and offense characteristics and demographic data. During the past three years, BJS has invested much time and effort in improving not only the quality and usefulness of the data, but also the number of states participating in this voluntary collection. In 2012, 48 states submitted data to NCRP, up from 42 in 2002, 38 in 1992, and 32 in 1983, the first year NCRP was collected. Although the NCRP is not yet a complete representation of the state prison population, and captures the custody, rather than the jurisdiction population in state prisons, BJS can compare the data from the NCRP to NPS on population flows and make national estimates with greater confidence. NCRP also provides information that NPS does not capture, in particular the offense, age and expected release date of inmates. These variables allow BJS to publish annual distributions of offense and age, as well as length of stay estimates that can be applied to the aggregate totals obtained from NPS.

The SISFCF is an omnibus survey conducted periodically within a nationally representative sample of prison facilities and inmates to obtain information on specific topics including criminal history, socioeconomic conditions, drug and alcohol use and treatment, mental health and medical problems, and participation in prison programming. BJS uses information from this survey, conducted every 5-6 years (although the most recent SISFCF was conducted in 2004), to produce national level estimates of characteristics and demographics of the prison population. The self-report race and ethnicity distributions collected during the inmate survey are used to correct estimates obtained through NPS/NCRP administrative data. This is particularly useful since few state data systems record all of the OMB-required racial categories, particularly the "two or more races" category.

The NIS is a collection that meets the requirement of the Prison Rape Elimination Act (PREA;

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

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

The Association of State Correctional Administrators (ASCA) conducts a state prison data collection called the Performance Based Measures System (PBMS; [http://www.asca.net/system/assets/attachments/3460/**PBMS%20Resource%20Manual August%202011.pdf?1315423025](http://www.asca.net/system/assets/attachments/3460/**PBMS%20Resource%20Manual%20August%202011.pdf?1315423025)). This collection requires states to submit data monthly, requests 135 core elements over nine correctional areas, including mental health, budget, personnel, institutional security, and academic education. PBMS obtains a few of the variables also collected in NPS, including prisoner demographics, custody counts, operational capacity, and types of admission. The purpose of PBMS, to provide corrections administrators with performance indicators over a period of time to allow for monitoring of the prison system, is very different from NPS in form and content. BJS uses the NPS to describe changes in state correctional populations and measure transitions and outcomes. The PBMS is a reporting system for state correctional administrators interested in measuring performance. Currently, only 14 states provide PBMS with more than 50% of the core elements on a monthly basis. BJS is collaborating with ASCA to see where NPS can be used to supplement PBMS measures.

5. Impact on Small Businesses

This research does not involve small businesses or other small entities. The respondents are researchers from the state and territory or commonwealth departments of corrections and the federal Bureau of Prisons.

6. Consequences of Less Frequent Collection

The NPS data are collected annually. Less frequent collection of the data would introduce the first break in series since NPS' inception in 1926, and greatly limit BJS's capability to measure

changes in the prison population and track the decline that started in 2009. All collections that rely on NPS data for official prison population counts (including the Deaths in Custody Reporting Program, Capital Punishment, National Corrections Reporting Program, National Inmate Survey, and Survey of Prison Inmates) would be forced to use older data to calculate mortality and imprisonment rates and weight survey data to the national totals. In addition, all annually reported measures of change in sex, race, age, and offense (and cross-classifications of these groups) composition of prison populations would be put at risk, as BJS would have to rely on older data and some type of weighting or estimation routine that might be insensitive to changes within any combinations of groups for which BJS produces these estimates.

Restarting data collection after a year's furlough would be costly and difficult. Less frequent collection of data would impose burden on respondents who have set up computerized methods to generate the NPS data. In some states, data on admissions into and releases from prison are updated in real time, and if aggregations of annual admissions and releases for NPS were requested on a schedule other than annual, some states would only be able to provide records for those prisoners being admitted or released for the most recent twelve months.

7. Special Circumstances Influencing Collection

There are no special circumstances in conducting this information collection. Collection is consistent with the guidelines as listed in 5 CFR 1320.6. These data will be collected in a manner consistent with the guidelines in 5 CFR 1320.6.

8. Federal Register Publication and Outside Consultation

The research under this clearance is consistent with the guidelines in 5 CFR 1320.6. The 60 and 30-day notices for public commentary were published in the Federal Register on January 24, 2014 (Vol. 79 No. 16 pg. 4176) and March 28, 2014 (Vol. 79 No. 60 pg. 17574), respectively.

One comment was received in response to the 60-day notice, from the director of a non-profit research organization. The commenter was concerned that not all states were collecting and reporting race/ethnicity data on their prison populations in accordance with OMB guidelines, and suggested BJS do more to ensure states met the guidelines: "To be clear, I am not suggesting the Office of Justice Programs require the states to collect state information differently, I merely suggest that OJP communicate best practices to the state officials responsible for filling out these information requests so that they may choose to embrace the OMB's suggestions in the future."

BJS responded to the commenter that it educates and encourages state respondents to report race and ethnicity in accordance with OMB guidelines, but since the majority of BJS's data collections (including NPS) are voluntary in nature, there is a limit on how much it can influence states. In addition, BJS explained that changing the computer systems of state departments of

corrections is costly and slow, but that it works with states when they are undergoing such restructuring to ensure race and ethnicity data collection are considered. Finally, BJS explained its attempts to improve the estimation of race from administrative data, including those collected in NPS.

BJS consults annually with data providers, data users, and criminal justice experts in order to improve survey methodology, data collection, reporting procedures, data analysis, and presentation.

9. Payment or Gift to Respondents

No gifts or incentives will be given.

10. Assurance of Confidentiality

Under Title 42 of the United States Code, Section 3789, BJS collects NPS data for statistical purposes only. NPS data are 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. Data are collected at the level of the responding jurisdictions, and respondents are notified that BJS will publish the aggregate counts provided. We do not ask for or receive data from individual prisons in the collection, but rather from the central department of corrections, so no single facility is submitting data to be published separately. No individually identifiable information is provided. All counts are simply too large to attribute to an individual. NPS data are maintained under the security provisions outlined in U.S. Department of Justice regulation 28 CFR §22.23, which can be reviewed at:

<http://bjs.ojp.usdoj.gov/content/pub/pdf/bjsmpc.pdf>.

Respondents are informed in the cover letter that participation in this data collection effort is voluntary.

11. Justification for Sensitive Questions

Not applicable. There are no questions of a sensitive nature included in the NPS series.

12. Estimate of Hour Burden

There are 56 respondents in the NPS data collection universe; the 50 states departments of corrections (DOCs), the Federal Bureau of Prisons (BOP), and the departments of corrections from the U.S. Territories of Guam, the Virgin Islands of the United States, and American Samoa, and the Commonwealths of Puerto Rico and the Northern Mariana Islands. BJS contacts each jurisdiction in mid-December by mail (Appendix 2).

It is estimated that each of the 51 non-U.S. territorial respondents will use 6 hours to complete

the NPS-1B form (Appendix 3 and 4), and 20 minutes to account for non-response follow-up emails (Appendix 5), or to clarify any responses that are unclear. Since no questions have been added or changed on the NPS-1B form and all participants are familiar with the survey, we anticipate there will be little if any follow-up contact required. Finally, 10 minutes of burden are added for the state DOCs and BOP to review and approve their data in 5-10 final tabulations of the jurisdiction-level data, provided by BJS (Appendix 6).

The NPS-1B(T) form (Appendix 7) used by the territories and commonwealths is shorter, so we estimate respondents will require 2 hours to complete the survey, inclusive of non-response follow-up emails and final tabulation review.

Jurisdiction	Number of jurisdictions	Form	Task	Average burden per jurisdiction	Total estimated burden
State departments of corrections and the Federal Bureau of Prisons	51	NPS-1B	Assemble and report data	6 hours	51 jurisdictions * 6 hours = 306 hours
			Non-response follow-up contact; clarification questions (if needed)	20 minutes	51 jurisdictions * 20 minutes = 17 hours
			Review and approve final data tabulations	10 minutes	51 jurisdictions * 10 minutes = 8.5 hours
U.S. Territories and Commonwealths	5	NPS-1B(T)	Assemble and report data; follow-up; review final tabulations	2 hours	5 territories * 2 hours = 10 hours
TOTAL	56				342 hours

The total burden estimate for NPS is 342 hours. Burden hours remain the same for the 51 non-territorial jurisdictions as when OMB clearance was last sought. An additional 10 hours are added for the 5 respondents to the NPS-1B(T) form; in the past, burden has not been estimated for respondents from the U.S. territories and commonwealths.

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

13. Estimate of Respondent Cost Burden

Respondents will incur costs associated with their time to respond. The information requested is normally maintained electronically as administrative records in state departments of correction. At a cost estimate of \$36 per hour for respondent time applied to the 6.5 hour burden, the NPS-1B is estimated to cost \$234 per jurisdiction. The estimated cost for completing the NPS-1B(T) is \$72 per jurisdiction. The estimated cost burden for all 56 respondents is \$12,294.

14. Estimated Cost to Federal Government

The cost to the Federal Government for the collection and dissemination of NPS-1B data is estimated to be \$130,515 for fiscal year 2014.

\$100,000 - Abt Associates, Inc.

\$68,100 for data collection, data processing, and program management

\$20,550 for computer programming, providing BJS with publication-ready tables and final datasets

\$11,350 in miscellaneous charges, including printing and postage for annual data request packages, telephone calls, company server computer expenses

\$30,515 - Bureau of Justice Statistics

10% GS-13, Statistician (\$11,390)

5%, GS-15, Supervisory Statistician (\$7,083)

2% GS-15, Chief Editor/Supervisory statistician, (\$3,142)

5% GS-12, Editor (\$4,285)

2% GS-12, Designer (\$1,714)

2% GS-14, Information Technologist (\$2,409)

5% GS-13, Information Technology Specialist (\$5,096)

2% GS-9, Information Specialist (\$1,356)

Fringe benefits (@ 28% of salaries - \$10,213)

Other administrative costs (@30% of salary & fringe \$7,042)

15. Reasons for Change in Burden

The change in burden from the previous clearance application is due solely to the addition of burden estimates for the 5 U.S. territories and commonwealths to submit the NPS-1B(T).

16. Project and Publication Schedule

To make the NPS data available to the public in a more timely fashion, BJS is attempting to release its annual *Prisoners in YYYY* bulletin in late July as opposed to November or December. An additional report to be published later in each year will use the NPS data to focus on a topic of interest to researchers and the public. *Prisoners in 2012: Trends in Admissions and Releases*

1991-2012 (NCJ 243920) was the first in this series of reports, and examined how the types of prison admissions and releases contributed to the increase of the U.S. prison population size over 30 years, and affected its demographic and offense composition.

The yearend report planned for 2014 will examine the prison-related outcomes of states enacting Justice Reinvestment Initiative (JRI) strategies, including changes to revocation practices and sentencing policies, and the implementation of community-based diversion programs. JRI, funded by Congress in 2010, uses data to drive decision making and research to suggest cost-saving measures. Currently, only 17 states receive funding from the federal government to participate in JRI. The 2014 report will compare NPS measures of prison admissions, releases, yearend populations, and recidivism rates by offense between states that have adopted JRI measures and those that have not. Other topical reports planned include longitudinal examinations of female offenders and sentencing disparities.

During the next three years, BJS expects to publish the following standard reports using NPS data:

Tentative report title	Anticipated publication month and year
<i>Prisoners in 2013</i>	July, 2014
<i>Mortality in Local Jails and State Prisons – Statistical Tables 2000-2012</i>	July, 2014
<i>Correctional Populations in the United States, 2013</i>	November, 2014
<i>Prisoners topical report: Outcomes of JRI</i>	November, 2014
<i>Prisoners in 2014</i>	July, 2015
<i>Mortality in Local Jails and State Prisons – Statistical Tables 2000-2013</i>	July, 2015
<i>Correctional Populations in the United States, 2014</i>	November, 2015
<i>Prisoners topical report: sentencing disparities</i>	November, 2015
<i>Prisoners in 2015</i>	July, 2016
<i>Mortality in Local Jails and State Prisons – Statistical Tables 2000-2014</i>	July, 2016
<i>Correctional Populations in the United States, 2015</i>	November, 2016
<i>Prisoners topical report: female prison inmates</i>	November, 2016

In addition, BJS will publish a number of discretionary reports using NPS data in the next few years. These reports will include, but are not limited to:

- *Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010* (expected publication March, 2014)

- National age-adjusted mortality estimates for state prisons, 2001-2012 (expected publication June, 2014)
- Physical health problems among prison inmates, including HIV/AIDS prevalence data from NPS (expected publication July, 2014)
- State age-adjusted mortality estimates for state prisons, 2001-2012 (expected publication fall, 2014)
- Results from the National Survey of Prison Health Care and HIV testing in prisons (expected publication winter, 2014)
- Veterans in U.S. prisons and jails (expected publication spring, 2015)
- Mental health problems among prison inmates (expected publication spring, 2015)
- Technical paper on the measurement of race and ethnicity in correctional data collections (expected publication spring, 2015)
- Native Americans in U.S. prisons and jails (expected publication 2016)

Annual NPS data will be added to the CSAT-Prisoners online analysis tool on the BJS website concurrent with the release of the annual *Prisoners in YYYY* reports. Starting in early 2015, the CSAT-Prisoners tool will be expanded to include detailed offense, demographic, and sentencing information from the NCRP, weighted to national jurisdiction counts from NPS.

Within 2 months of publication of the *Prisoners in YYYY* bulletins each year, BJS will submit the NPS data to NACJD for archiving. Since no changes have been made to the NPS-1B form, the archival process should be much faster in future years, allowing the NPS data to be released to the public within 3-6 months of bulletin publication, dependent on NACJD workload.

17. Expiration Date Approval

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

18. Exceptions to the Certification Statement

There are no exceptions to the Certification Statement. The collection is consistent with the guidelines in 5 CFR 1320.9.