

2014 Census of Adult Probation Supervising Agencies

The Bureau of Justice Statistics (BJS) seeks clearance to implement the 2014 Census of Adult Probation Supervising Agencies (CAPSA). Through a cooperative agreement, BJS has worked with Westat, a research and statistical survey organization, and the American Probation and Parole Association (APPA), the national organization for community corrections professionals, to develop, design, and test CAPSA. Westat will serve as the data collection agent for the national study. CAPSA is a special project to develop a comprehensive listing of all independent federal, state, and local adult probation supervising agencies in the United States and private companies that directly supervise adult probationers. CAPSA will also gather information to describe the various organizational structures and nature of probation both across and within jurisdictions. A census of probation agencies was last conducted by BJS in 1991, but since then, the organization and nature of probation has changed in many significant ways. BJS plans to field CAPSA in mid-June 2014 and data collection is expected to last about seven months.

The 2014 CAPSA is part of an ongoing effort by BJS to expand and enhance its Community Corrections Statistics Program (CCSP) to fulfill its mission and better serve the needs of various stakeholders. The community corrections field has identified the 2014 CAPSA as an important source to address current information gaps in the field by providing a clear picture of how adult probation in the United States is currently organized, the supervision policies and practices agencies have established to administer adult probation, the various types of functions that agencies perform, and the different types of individuals supervised by probation agencies. CAPSA will also enable BJS to meet one of its core mandates: to collect, publish, and disseminate information on the operations of the nation's criminal justice system. Over time BJS has periodically collected information to describe the operations of various components of the criminal justice system, including law enforcement agencies, public defender offices, state courts, correctional facilities (prisons and jails), and parole agencies, but BJS has not collected comparable information about probation agencies in over 20 years. CAPSA will generate accurate and reliable statistics at both the national and jurisdiction levels to better meet this mandate.

Another goal of CAPSA is to use the data to assess the extent of potential coverage error in BJS's Annual Probation Survey (APS) (OMB Control Number 1121-0064), which is the core collection that BJS uses to estimate the size and characteristics of the probation population and assess trends in the population over the past 30 years. In addition, CAPSA data can be used in conjunction with the APS data to provide contextual information to better understand and interpret the APS data, such as how the operations and practices of probation agencies are correlated with changes in the probation population. The opportunity to conduct future probation studies through CCSP will also be possible as a result of CAPSA. It will provide a sampling frame of agencies for conducting additional studies of establishments or individuals, such as supervision officers. This is of critical importance as BJS has learned from the field that while CAPSA is covering important topics that will advance the field, there are other information gaps, such as staffing and hazardous duty data, that are important for understanding and improving the efficiency and effectiveness of operations and minimizing the risk of recidivism and enhancing public safety.

Part A. Justification

1. Necessity of the Information Collection

Adult probation agencies in the United States supervised an estimated 3,942,800 probationers at yearend 2012.¹ Over the past three decades, these agencies have been responsible for managing the majority (56% in 2012) of offenders under the supervision of adult correctional systems, which includes persons supervised in the community on probation or parole or incarcerated in prison or jail.^{2,3} While BJS has collected annual data on the number and characteristics of the adult probation population since 1980,

1 Maruschak, L.M. & Bonczar, T.P. (2013). *Probation and Parole in the United States, 2012*. Washington, DC: Bureau of Justice Statistics.

2 Glaze, L.E. & Parks, P. (2012). *Correctional Populations in the United States, 2011*. Washington, DC: Bureau of Justice Statistics.

3 Glaze, L.E. & Herbanman, E. J. (2013). *Correctional Populations in the United States, 2012*. Washington, DC: Bureau of Justice Statistics.

information on the characteristics of the agencies that are responsible for supervising the largest segment of the correctional population has not been collected by BJS since 1991.⁴ Therefore, the number of independent agencies that supervise the population of adult probationers is unknown. Also missing is a set of comprehensive national and jurisdiction level statistics about the complex organization of probation and the operations that adult probation supervising agencies have established and implemented to effectively manage the population. The proposed 2014 CAPSA will fill those information gaps and permit BJS to better meet one of its core mandates to collect, analyze, and disseminate information concerning the operations of the criminal justice system at the federal, state, and local levels as specified in its authorizing statute under Title 42, United States Code 3732, Section 302 (see Attachment 1 – BJS Authorizing Legislation).

The main role of probation supervising agencies is to enhance community safety through reducing the risk of recidivism of offenders and victimization to the public.^{5,6} As the population of adult probationers increased from 1980 through the end of last decade, this task became more challenging as agencies were faced with increasing and diverse caseloads.⁵ The increase in the size and diversity of the probation population is partly due to states' attempts to alleviate crowding in prisons and jails by placing more offenders on community supervision.^{5,7} In addition to managing more offenders and those with various criminogenic needs such as mental health problems or sex offenders, probation agencies which were "once thought of as supervising relatively low-level offenders who posed little threat to public safety and were in need of pro-social steering" are supervising a population for which more than half (53%) has been convicted of a felony.^{1,5,8} The increase and diversity of caseloads has become even more challenging as community corrections agencies have continued over time to receive a smaller fraction of the correctional budget in states compared to institutional corrections (i.e., prisons and jails), and in recent years have been faced with budgets cuts and resource constraints partly due to the nation's recession.^{9,10}

The various challenges described above have forced the probation field to analyze and rethink how probation is administered in the United States. This has resulted in a shift toward a new model of supervision, one that relies on research and results to inform policy and the establishment and implementation of effective practices that minimize the risk of recidivism, or what is referred to in the field as "evidence-based practices."^{5,6,11} As the community corrections field has gained a better understanding of evidence-based practices, what is not known is the extent to which the probation field has translated this knowledge into practice, especially considering the complex structure of probation across the country making implementation challenging. CAPSA is designed to address these issues systematically to provide objective and comprehensive statistics about the structure of probation both at the national and jurisdiction levels to better inform the field on how adult probation is currently administered in the United States. CAPSA is the first critical step to begin to address these matters and will lay the foundation for future efforts through BJS's CCSP to expand upon CAPSA to address particular topics in more detail, additional related topics, or emerging issues in the field. (See Part A, Section 2 for more information on future efforts.)

4 The 1991 Census of Probation and Parole Agencies was BJS's first and only census of probation agencies. The main goal was to establish a sampling frame of probation agencies and field offices to conduct the 1995 Survey of Adults on Probation (SAP), the first nationally representative survey of probationers.

5 DeMichele, M.T. (2007). *Probation and Parole's Growing Caseloads and Workload Allocation: Strategies for Managerial Decision Makings*. Lexington, KY: American Probation and Parole Association.

6 Taxman, F., Shepardson, E. & Byrne J. (2004). *Tools of the Trade: A Guide to Incorporating Science into Practice*. Washington, DC: National Institute of Corrections.

7 Scott-Hayward, C. (2009). *The Fiscal Crisis in Corrections: Rethinking Policies and Practices*. New York, NY: Vera Institute of Justice

8 Petersilia, J. (1998). Probation in the United States. *Perspectives*, Summer. Lexington, KY: American Probation and Parole Association.

9 Burrell, B.S. (2012). *Community Corrections Management: Issues and Strategies*. Civic Research Institute, Inc.: Kingston, NJ.

10 Pew Center on the States. (2009). *One in 31: The Long Reach of American Corrections*. Washington, DC: The Pew Charitable Trusts.

11 Guevara, M. & Solomon, E. (2009). *Implementing Evidence-Based Principles in Community Corrections: Collaboration for Systemic Change in the Criminal Justice System (Section Edition)*. Washington, DC: National Institute of Corrections.

As stated earlier, one reason information gaps exist is due to the complex organization of probation, which makes it difficult to identify the individual agencies that are supervising probationers and develop a standardized questionnaire that is capable of accurately measuring key constructs that are defined differently across jurisdictions. The organization and administration of probation varies with its loci in either executive or judicial branches, and authority residing at state, county, judicial district, municipal, or other levels, often mixed within a single state. The most recent information available on the organization of adult probation is from the 1999 report *State Organizational Structures for Delivering Adult Probation Services* published by the National Institute of Corrections (NIC). However, that was not a statistical report but rather a narrative that profiled the structure of adult probation in each state. In addition, some changes in the organization of probation have occurred since that time, such as Community Corrections Acts (CCAs), which have expanded beyond the original three states that developed CCAs in the 1970s (i.e., Minnesota, Iowa, and Colorado); independent, state-level community corrections boards have been created in some states; more private companies are being used to provide probation supervision; and some community-based correctional facilities are holding probationers as an alternative to incarceration, some of which provide programs and services to meet offender needs. The practice of probation supervision has also changed over time and varies across and within jurisdictions, with agencies implementing different methods of supervision, programs for offenders, techniques to assess risk and needs, and exercising, if applicable, various amounts of authority/discretion related to changing probation terms/conditions of supervision.

The data that will be collected through CAPSA are not available from any other single data source and will be used to address the issues described above. The systematic and standardized approach will allow for comparisons across types of agencies (e.g., level and branch of government, sector, populations served, degree of independence, and size of populations) based on various characteristics (e.g., functions, supervision authority, sources of funding, number of supervision officers, and firearm/arrest powers of officers) to enhance the understanding and interpretation of the variation in the organization of probation and how that relates to the nature of adult probation (e.g., party responsible for supervision, various methods of supervision, risk and needs assessment tools and uses, and programs and services for specialized caseloads) both across and within jurisdictions.

CAPSA data will have direct implications on policy and practice of adult probation and can be analyzed in conjunction with the APS population data to begin to examine the associations of particular practices with the size, flow, characteristics (e.g., severity of offense), and outcomes of probationers. CAPSA's ability to produce not only national but jurisdiction and even sub-jurisdiction statistics enhances even further the utility of the data. The key statistics will not only serve as a national benchmark, but more importantly from a practical perspective, the data can serve as a benchmark at the jurisdiction or even sub-jurisdiction level with which practitioners in states can assess their probation agencies relative to other states or groups of agencies within states that have similar or even different characteristics. This will also enable policymakers at various levels of government (e.g., federal, state, or local) to rely on the CAPSA data to make informed, fair, and fiscally sound criminal justice decisions.

CAPSA is also essential to help understand criminal justice systems nationwide, as probation is an essential component within the corrections system. Attachment 2 is the BJS flowchart that illustrates the sequence of events in the criminal justice system. It not only demonstrates that the corrections stage is the last phase of the criminal justice process before offenders are out of the system and in the community under no criminal justice control, but also that probation agencies play an integral role in the flow of offenders through other stages of the system as well as within the corrections stage. For example, the relationship between the court system and probation is clear as probation agencies can supervise offenders that are convicted and receive a direct sentence to probation. Probation agencies can also supervise offenders who have been disposed by a court to the authority of a probation agency but their criminal proceedings have been suspended pending completion of a period of supervision in the community (not depicted in the flowchart). The flowchart also demonstrates the relationship between probation agencies and institutional corrections as offenders can flow from probation agencies to prison or jail if they violate the conditions of their supervision, as well as from prison or jail to probation for offenders that have split sentences (i.e., incarceration followed by

community supervision).

Assessing the coverage of BJS data collections in relation to the flowchart and its authorizing statute to collect, analyze, and disseminate information on the operations of the criminal justice system, it is apparent that a gap exists in a critical stage of the system, probation. The 2014 CAPSA will complement BJS's extensive portfolio of establishment collections that describe the operations of the three core systems that make up the criminal justice system: law enforcement (seen as "entry into the system" in the flowchart), courts (including prosecution and pretrial services, adjudication, and sentencing and sanctions), and corrections.

- Law Enforcement System: BJS's program of law enforcement statistics has traditionally emphasized collections of organizations for the purpose of analyzing and reporting statistical information describing the operations of law enforcement agencies. Core to this program are the Law Enforcement Management and Administrative Statistics Survey (OMB Control Number 1121-0240) that has been conducted every three to five years since 1987, the Census of State and Local Law Enforcement Agencies (currently under OMB review) that has been conducted every four years since 1992, and more recently the Census of Law Enforcement Training Academies (OMB Control Number 1121-0255) that has been conducted every four years since 2002. Together, these collections provide data on a variety of topics including the organization and administration of police and sheriffs' departments and training academies, number of sworn and civilian personnel, functions performed by each agency, operating expenditures, job functions of sworn and civilian employees, officer salaries and special pay, weapons and armor policies, characteristics of training curriculum, and other information.
- Courts System: BJS's program of court statistics consists of a number of establishment collections that, combined, cover all components of the administration of justice in the nation's criminal courts. The Census of State Court Organization (OMB Control Number 1121-0283) has been conducted about every seven years since 1980 and provides information on the structure of appellate and trial courts, as well as authority, funding, staffing, and budgets. The National Survey of State Court Prosecutors (OMB Control Number 1121-0149) series has been conducted periodically since 1990 and provides information on the administration, authority, staffing, budgets, and caseloads of state prosecutors' offices. The Census of Public Defender Offices (OMB Control Number 1121-0095) is a recent collection that started in 2007 and provides information on budgeting, staffing, funding sources, and the types of cases handled. (BJS is currently seeking clearance from OMB for the proposed National Survey of Indigent Defense Systems which will focus on the structure and administration of indigent defense, the service delivery model by which representation is provided, and funding.) And most recently, the Census of Problem-Solving Courts (OMB Control Number 1121-0337) which was first conducted in 2012 and collected information on structure, staffing, funding, and services and treatment provided by problem-solving courts.
- Corrections System: BJS's corrections statistics program consists of two key components, institutional and community corrections. Institutional corrections consist of prison and jail and community corrections consist of probation and parole, as illustrated in the BJS flowchart. Periodically in recent years, BJS has fielded establishment collections to provide statistics that describe the operations and characteristics of institutional facilities and community corrections agencies. The Census of State and Federal Correctional Facilities (OMB Control Number 1121-0147) has been conducted every five to seven years since 1974 and the Census of Jail Facilities (OMB Control Number 1121-0305) has been conducted about every five years since 1970. Both of these collections provide information on the operations, functions, security, and staffing of the nation's state and federal prisons and local jails. In 2006, BJS fielded the Census of State Parole Supervising Agencies (OMB Control Number 1121-0169) which provided information on the organization, authority, staffing, and programs provided by parole supervising agencies. The last time any information on the operations of probation supervising was collected was in 1991 when BJS conducted the Census of Probation and Parole Agencies. The primary use of the 1991 census

was to develop a sampling frame for BJS's 1995 Survey of Adults on Probation, the first nationally representative survey to collect information on the individual characteristics of adult probationers.

The gap in knowledge and understanding of the operations and characteristics of probation supervising agencies is apparent not only when reviewing the community corrections literature, but also when looking across BJS's portfolio of establishment collections. Various BJS collections have been developed and implemented to address those issues for the components of the law enforcement and courts systems. Within the corrections system, this is also true for prisons, jails, and parole agencies. Probation agencies are the only component of the corrections system for which this information is lacking and yet they are responsible for supervising more than half of the nearly 7 million offenders under correctional supervision in the United States. Over the past few years, BJS has solicited input from the community corrections field about potential future plans for BJS's CCSP. (See Part A, Section 2 for more information.) This extensive communication has further demonstrated the need for the information that CAPSA will provide, especially at a time when the field is increasingly seeking cost-effective and data-driven approaches to manage their large and diverse populations and enhance public safety. Through these discussions, it also became apparent that to expand and improve CCSP to better serve the needs of stakeholders, BJS will need to build the foundation to achieve that goal. CAPSA will be the first essential step in that direction, as it will provide a frame for which BJS can leverage existing collections or conduct previous or new studies, if funding is available, to report on additional key statistics in community corrections. (See Part A, Section 2 for more information.)

2. Needs and Uses

Given that probation can be the last step of the criminal justice process before offenders are out of the system (i.e., complete the terms of their supervision) and also an integral part with which offenders flow into the prison and jail stages of the process (i.e., recidivate), it is important to further our understanding about the techniques with which probation agencies are managing the population and the effectiveness of their management. The need to enhance our knowledge about the flow of offenders through the justice system and their outcomes was stressed in the Committee on National Statistics (CNSTAT) report on BJS programs. The CNSTAT report emphasizes the importance of understanding the criminal justice process as a continuum; not only understanding each component but also the decisions and events that influence the flow of offenders through and eventually out of the system.¹²

Phelps' (2013) work supports this statement especially given the current interest about criminal justice reform, including reforms such as the expansion of probation to divert offenders from incarceration.¹³ Phelps evaluated the link between probation and prison to understand the role of probation in the increase of the number of individuals involved in the criminal justice system over the past four decades. Specifically, Phelps' goal was to understand how to improve outcomes of supervision and probation practices by altering the relationship between prison and probation. Phelps asserts that the role of probation must be examined in depth to ensure criminal justice reforms are effective because probation is an essential part of the process. Phelps stresses that without this knowledge, policymakers intending to avoid additional increases in the prison and jail populations in the future, by relying more heavily on probation as a sanction, may in fact endorse policies that have the opposite effect.

CAPSA is designed to collect and produce information to further address the issues described above, as well as to achieve several other goals. The information produced by CAPSA can be used by BJS and various stakeholders, such as other components in the Department of Justice and other federal agencies, Congress, federal, state and local probation practitioners, policymakers and criminal justice planners, and researchers. The key goals of CAPSA are described below. In the description of the goals, the needs and uses of the information are addressed, along with examples of how CAPSA data can be used to serve

12 Groves, R. & Cork D. (Eds.) (2009). *Ensuring the Quality, Credibility, and Relevance of U.S. Justice Statistics*. Washington, DC: National Research Council of the National Academies. Retrieved from <http://www.nap.edu>.

13 Phelps, Michelle. (2013). *The Paradox of Probation: Community Supervision in the Age of Mass Incarceration*. Law & Policy 35 (1-2): 51-80.

different purposes.

1. Develop a roster of all public and private adult probation supervising agencies: The number of independent public agencies and private companies that conduct probation supervision in the United States is not known. Therefore, it is not possible to collect information from all of these organizations until the universe is defined and identified. Both of these reasons justify the need for conducting a census. The methodology behind CAPSA will generate a comprehensive listing of probation supervising organizations, both public and private. In this context, using a sample would not be a viable option for several reasons: 1) in order to be able to select a sample a complete sampling frame is needed; 2) to develop a sound sampling design that produces both national and jurisdiction level estimates additional knowledge about the agencies' characteristics (such as agency type: level and branch of government; sector; centralized or decentralized system; and size) and the structure and administration of probation in the United States is needed; and 3) given the projected size of the roster, a sample would not necessarily result in significant cost savings particularly when contrasted to the reduced information it would produce. (See Part B, Section 1 for more information about the CAPSA universe.) The need and small increase in effort to conduct a census will allow BJS to report national estimates as well as estimates for all 52 jurisdictions (i.e., all 50 states, District of Columbia, and Federal system). Throughout the developmental stages of CAPSA, BJS solicited input from the community corrections field about the content and design, such as through APPA conferences, meetings with colleagues from NIC, and meetings of NIC's State Executives of Probation and Parole Network (SEPP). The field has stressed to BJS that the utility of the CAPSA data would be extremely limited if jurisdiction level estimates were not possible because they are fundamental in describing and understanding the structure and nature of adult probation in the nation. (See Part B, Section 1 for more information about the advantages of a census compared to a survey.)

As explained in Part A, Section 1, BJS has tracked the population of adults under probation supervision through APS since 1980. Because APS is designed to collect aggregate counts, BJS relies on central reporters, when possible, that have the capacity to provide the population data for all or part of a state. This approach is used to minimize burden. However, whether or not a state has an APS central reporter is not necessarily related to the organization and administration of probation supervision in a state, which is the focus of CAPSA. For example, in some states that have an APS central reporter, adult probation is completely decentralized and occurs at the local level or is partially centralized where felony adult probation occurs at the state level and misdemeanor probation occurs at the local. In addition, in some states where probation is partially or completely decentralized, the APS central reporter may not actually supervise probationers but some may perform certain functions (e.g., budgeting and staffing) of adult probation and therefore may have some oversight of probation agencies in the state, while others may not have any oversight. For the purposes of CAPSA though, it is important to identify the level at which: 1) supervision is occurring to fully understand the organizational structure of probation, and 2) decisions about the operations of agencies and the establishment of procedures for supervision are made and implemented in order to measure the variation in the nature of probation across and within states.

CAPSA will go beyond the scope of APS as it will identify all *independent* public probation supervising agencies as defined by the following criteria: 1) have responsibility for activities related to the supervision of probationers disposed or sentenced by an adult criminal court; 2) supervise adult probationers who are: a) required to regularly report to the agency either in person, via telephone, mail, or electronic means, and b) felons; and 3) are independent, meaning the agency has authority and/or operational responsibility to administer adult probation. CAPSA is also designed to identify all private companies that supervise: 1) probationers disposed or sentenced by an adult criminal court; and 2) adult probationers who are required to regularly report to the company either in person, via telephone, mail, or electronic means. (See Part B, Section 1 for more information on the development of the CAPSA criteria for respondent selection.)

In addition to providing the frame necessary to field the CAPSA questionnaire, the CAPSA roster will

serve as an independent source that BJS will use to systematically assess the potential coverage error for felony probationers in APS. A comparison of the two lists could identify agencies (e.g., new agencies or completely independent agencies) that fall within the scope of APS but are not currently participating or covered by a central reporter. As described above, the population of interest for public agencies under CAPSA is the group of agencies that supervise adults on probation for a felony, some of which also supervise misdemeanants. Therefore, the CAPSA efforts focus on developing a systematic approach to identifying all of the felony supervising agencies in the United States. Probation agencies encounter more unique challenges with felons compared to misdemeanants, most of which require various and different methods to manage them which translates into more costs and resources. More than half (53%) of the nation's adult probation population are felons and CAPSA will be implemented at a time when states are seeking more empirical evidence to identify and develop more cost-effective strategies to manage their probation population.¹ As described in Part B, Section 1, the CAPSA design will also allow BJS to leverage the CAPSA efforts to learn more about the structure and administration of misdemeanor probation beyond what is provided by the felony supervising agencies. The CAPSA roster likely includes probation agencies that only supervise misdemeanants but for which could not be definitively determined during roster development. All entities on the CAPSA roster will be screened through data collection to determine eligibility. Information collected about the misdemeanor-only agencies will not only be used to provide context when describing the scope of CAPSA so that the population covered is clearly defined and understood, but also to supplement developmental efforts underway through APS to assess coverage of the misdemeanor probation population. (See Part B, Section 1 for more information.)

2. Provide accurate and reliable statistics that describe the characteristics of probation supervising agencies.

Needs and Uses: BJS

The CAPSA questionnaire was designed with significant input from community corrections practitioners and researchers and other criminal justice experts at the federal, state, and local levels. (See Part A, Section 8 for more information on consultation outside of BJS.) Substantive relevance was considered when finalizing decisions about the content of the questionnaire, as was minimizing burden and maximizing response. Eight substantive topics are covered by the CAPSA questionnaire and each will measure various key constructs to provide an overview of the current state of adult probation.

- 1) *Organization*: Questions about the level and branch of government will be used by BJS to describe the basic structure of adult probation, including the extent to which the administration of probation is completely centralized, partially centralized, or decentralized across states. Functions of adult probation that agencies perform will be obtained and analyzed, as they are also a critical factor of agency operations and their structure. BJS will measure the organizational structure of private probation by asking companies to provide information on their adult probation functions, as well as the number of states they operate in and the branch and level of government from which they receive adult probationers to supervise.
- 2) *Independence*: CAPSA includes questions about the authority and operational responsibility of agencies to make and implement decisions about budgeting, staffing, and policies or procedures of adult probation. These questions will be used to measure the degree to which agencies have independence to administer adult probation. Not only will this provide more information on the operations of agencies, it will also allow BJS to assess the extent to which independence is correlated with the organizational attributes of agencies and their probation practices.
- 3) *Funding*: Data on funding sources will be used to illuminate the contribution of various sources (e.g., federal, state, or local; grants; court costs; fees or fines) to adult probation and the variability across and within states. The impact of funding sources on the kinds of policies and practices implemented by agencies will also be assessed.
- 4) *Supervision Activities*: Respondents will be asked to report the various methods of supervision they use to manage their adult probation population (e.g., phone, mail, email, face-to-face, intensive

supervision, electronic monitoring, and electronic supervision) and how they are implemented (i.e., directly, by a third party, or combination). This section also includes other questions about probation supervision practices, such as whether specialized services are provided to certain types of probationers, for example the mentally ill or sex offenders, and the tools used to assess the risk and needs of probationers and how the results are utilized. Not only are these core components to further describe and understand agency operations and how they vary across types of agencies (e.g., organizational structure, independence, and size of population) but they are also important to assess the current state of probation and the diverse methods and tools agencies rely on to manage their large and diverse caseloads of probationers. Type of supervision methods and availability of services will be examined as indicators of the effectiveness of particular practices implemented by probation agencies. These questions will also be asked of private companies.

- 5) *Supervision Authority*: CAPSA will obtain information from public agencies about the extent to which they have authority to change the terms of probation sentences/conditions of supervision, for example to impose or remove conditions of supervision (e.g., standard or special), grant an early positive discharge, extend a period of supervision, or impose a period of incarceration. The degree to which agencies have discretion to make decisions about supervision is critical to describing and understanding the current nature of probation and how much variation exists across and within states. In combination with the APS data, this information can also be further examined to understand how new policies and procedures that enhance/expand community supervision also impact the outcomes of offenders and the flow of offenders from probation back through the criminal justice system (i.e., to prison or jail).
- 6) *Supervision Officers*: This section will collect information on policies agencies have established that authorize arrest powers of officers, and authorize and require supervision officers to carry firearms. Policies such as these can provide an indication of an agency's approach to supervision, and whether it may be more of a law enforcement approach or a social work approach (e.g., conduct risk and needs assessments and provide specialized services). In combination with the APS data, BJS can begin to assess how different supervision models affect the flow and outcomes of offenders through the criminal justice system. For example, if a law enforcement model compared to a social service model of supervision is associated with higher recidivism rates. Aggregate counts on the number of supervision officers will also be obtained, as the community corrections field has stressed to BJS over the years that a fundamental question that continues to go answered is the number of officers that are managing the almost 4 million adults on probation in the United States.
- 7) *Populations served*: Probation agencies can serve various populations other than adult probationers, such as persons who are awaiting trial or had their criminal proceedings suspended, parolees, and juveniles. CAPSA will collect this kind of information which will not only provide an indication of the size of agencies but also demonstrate that the workload of probation agencies extends beyond that of adult probation. To minimize burden, CAPSA will obtain only a few aggregate population counts, such as the total adult probation, by offense, and the total population supervised by the agency. BJS will use this to provide another indicator of agency size. Also, comparing the size of the adult probation population to the total population supervised by agencies will illustrate the extent to which adult probation is the main correctional function of the agencies included in CAPSA. The population data collected through CAPSA will also be used to assess the potential for coverage error in APS. Some of the questions in this section will be asked of private companies too.
- 8) *Oversight*: CAPSA will obtain data from private companies to determine the extent to which government agencies/courts conduct any type of oversight of their adult probation supervision activities (e.g., require a description of policies and procedures, obtain approval to modify, or submit periodic reports). This information will be used to describe the scope of the relationship between public agencies and private companies related to the administration of adult probation.

In addition to the sections described above, the instruments will include questions to screen entities to determine their eligibility for CAPSA. As a method to enhance and validate the roster, public agencies will also be asked questions to identify any other potential CAPSA-eligible agencies or companies that

may be missing from the preliminary CAPSA roster. (See Part B, Section 1 for more information on the CAPSA universe and respondent selection.)

Below is a table that provides some of the key statistics that BJS will produce from the CAPSA data.

CAPSA Key Statistics	Relevant Questions	
	Public questionnaire	Private questionnaire
Number and percent of probation supervising agencies, by type	Q5, Q6, Q7-7a, Q11-Q17, Q46	Q1, Q2-2a
Branch/level of government (served for private)	Q10	Q5
Geographic area served	Q9	--
Degree of independence (e.g., total, some, none)	Q11-Q17	--
Number and percent of probation agencies, by jurisdiction	Q5, Q6, Q7-7a, Q11-Q17, Q46	Q1, Q2-2a
Number of jurisdictions, by type of probation system (e.g., centralized, decentralized, combination), branch/level of government, and geographic area served	Q9, Q10, Q46c-46d	--
Size of probation agencies, by type of probation system and level of government	Q44, Q46-Q48, Q50, Q51, Q53	Q2b, Q4, Q19, Q20, Q22, Q23
Number of populations supervised	Q46	Q19
Number of states for which probationers are supervised	--	Q4
Number of supervision officers	Q44	--
Number of total persons supervised	Q47	--
Number of total adult probationers supervised	Q48	Q20
Proportion of total population that are felony probationers	Q47, Q50	--
Proportion of adult probation population that are felony probationers	Q48, Q50	Q20, Q22
Proportion of total population that are misdemeanor probationers	Q47, Q51	--
Proportion of adult probation population that are misdemeanor probationers	Q48, Q51	Q20, Q23
Proportion of total population on non-reporting probation	Q47, Q53	--
Proportion of adult probation population on non-reporting probation	Q48, Q53	Q2b, Q20
Number and percent of probation agencies by —		
Functions and by system/agency type and size	Q5-Q8; Q19, Q20	Q1-Q3; Q8-Q9
Funding sources and by system/agency type and size	Q18	--
Types of reporting methods and by system/agency type	Q21	Q7
Supervision methods and party responsible, and by system/agency type	Q19, Q20; Q22-Q26	Q8-Q12
Supervision authority and type of authority and degree of independence, by system/agency type	Q33-Q36	--
Type of assessment tool and degree of independence, by system/agency type	Q27-Q29	Q13-Q15
Type of specialized caseloads and by system/agency type	Q30	Q16
Delivery of specialized programs and services and by type of population and party responsible (public); by system/agency type	Q31-Q32	Q17-Q18
Number and percent of private probation companies for which governmental oversight is conducted, by type of oversight	--	Q6
--Question(s) not asked on survey.		

BJS intends to publish a special report on adult probation supervising agencies in the United States, including national and jurisdiction level statistics. (See Part A, Section 16 for more information.) The report will include the key statistics generated from the CAPSA data to: 1) provide an overview of the prevalence of adult probation agencies, 2) describe the current organization of adult probation, and 3) examine the policies and practices agencies have established for the purposes of supervision. Below are examples of the types of questions that will be answered in the report.

- Prevalence
 - How many adult probation supervising agencies are there nationally and in each jurisdiction?
 - What is the distribution of adult probation agencies by type (e.g., sector and branch/level of government)?

- Organization
 - How is adult probation organized (e.g., sector and branch/level of government) in the United States?
 - What are the various functions that adult probation agencies perform? How does this vary by sector and across and within jurisdictions?
 - What sources of funding do agencies use for adult probation? How do funding sources vary by structure and population size?
 - Which states use private companies to supervise adult probationers?
 - How large (e.g., population size, number of supervision officers, and number of states where private companies are operating) are adult probation agencies?
 - To what extent do probation agencies serve populations other than probationers? How large is their adult probation population compared to the size of the other populations they supervise?
 - Is there a relationship between agency size and the number and types of populations they supervise? What is the nature of that relationship?

- Supervision Policies and Practices
 - To what degree do agencies have the authority or operational responsibility to administer aspects of adult probation? How does this vary by agency type (e.g., function and level/branch of government)?
 - What methods of supervision do agencies have in place to administer adult probation? What are the most common types? How do they vary across agencies (e.g., sector, branch/level of government, and funding sources)?
 - How do public probation agencies conduct supervision (e.g., directly, third party, or both) and how does this vary by specific practices and structure?
 - Do agencies have any supervision authority to change the terms of probation sentences/conditions (e.g., impose/remove conditions of supervision, impose a period of incarceration, or grant an early discharge)? How does this vary across agencies by structure, supervision model, and practices?
 - To what extent are supervision practices (e.g., methods of supervision, risk and needs assessment, and specialized services) and supervision authority related to the level of independence an agency has to administer adult probation? How does this vary by sector and across and within jurisdictions?
 - To what degree do public agencies have oversight of the supervision activities of private companies? How does this vary by size of private companies, supervision methods, and jurisdiction?
 - What types of client-agencies (e.g., federal, state, or local; executive or judicial) are private companies supervising adult probationers? How does this vary by jurisdiction? Is there any association between client-agencies served by private companies and the types of probation

supervision practices implemented by private companies?

The CAPSA data are critical to not only filling the information gaps described above, but also to provide a baseline for which future changes can be measured by BJS. These data are also needed by BJS to further examine and understand the impact of probation on the flow and outcomes of offenders in the criminal justice system, as well as factors related to population changes.

Needs and Potential Uses: Congress, DOJ, OJP, and Other Federal Agencies

The prevalence of probation supervision practices, by type, will be examined through CAPSA and in combination with APS data, can be used to examine the impact on probationer outcomes of supervision. Information such as this can be used by Congress to assess the need for continuing or expanding existing legislation, such as the Second Chance Act, or passing new legislation to provide additional support to organizations to manage various types of correctional populations, address their risk and needs, and improve outcomes.

CAPSA fits within the Department of Justice's and the Office of Justice Programs' (OJP) larger framework to support research and evidence-based practices and work with correctional agencies to set recidivism reduction goals. For example, through OJP's Evidence Integration Initiative (E2I), CrimeSolutions.gov was developed to assess the quality of research and statistical information available to inform a broad set of practical policy questions about the "what works" in corrections. The CAPSA data will be a key addition to the more localized research that exists by providing a national and jurisdiction level perspective for all 50 states, the District of Columbia and the Federal system. The Bureau of Justice Assistance's (BJA) Justice Reinvestment Initiative (JRI) can also rely on the CAPSA data to supplement the information learned through JRI. The goal of JRI is to shape criminal justice reform by working with states to identify factors associated with increases in correctional populations and costs through data analysis, and reinvesting the savings in effective strategies to enhance public safety. Also, the National Institute of Justice (NIJ) has partnered with other agencies to develop and evaluate model community corrections programs and the CAPSA data can be used to assess the characteristics and practices of agencies across the nation to identify key indicators of successful supervision.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is currently in the developmental stages of the Census of Juvenile Probation Supervising Offices (CJPSO). CJPSO is similar to CAPSA, except it will cover only the juvenile component of probation. Therefore, BJS/OJJDP can use CAPSA to supplement the data collected through CJPSO to provide a complete overview of all probation in the United States, something the field expressed to BJS as being critical given the similar lack of comprehensive information on the nature of juvenile probation and the operations of juvenile probation agencies. BJS has worked with OJJDP, and its current contractor for CJPSO (also Westat), to stay informed about the status, scope, and plans for CJPSO. Discussions have resulted in efforts made by BJS to determine specific ways the two collections can complement one another to better serve the needs of the field and potential ways to minimize burden on agencies that may fall within the scope of both collections. Also, these discussions have allowed BJS and OJJDP to share information to expand on strategies to enhance marketing and generate interest in the two collections to garner support from the field.

OJP program offices, such as NIJ and BJA, can also use CAPSA as a source of information to assist in determining and prioritizing the funding of community corrections programs and evaluating those programs. For example, BJA expressed interest to BJS in understanding the extent to which states have specialized caseloads and the use of specialized programs and services to address their risk and needs. CAPSA will be the first step in providing that type of information from a national and jurisdiction level perspective and can be used by BJA to fund additional programs or expand existing programs, such as its Smart Probation Program (SPP). The goal of SPP is to "develop and test innovative strategies and to implement evidence-based probation approaches

that increase community safety and reduce violent crime by effectively addressing individuals' risk and needs and reduce recidivism." Programs such as SPP can utilize the types of agencies that are implementing data-driven practices to provide assistance and serve as models for increasing the use of evidence in the decision-making process and management strategies among other agencies.

Other federal agencies, such as NIC, can rely on the CAPSA data, specifically the prevalence of particular supervision methods and practices, to determine if additional assistance such as training, technical assistance, or policy/program development assistance is necessary to establish for particular types of probation agencies. NIC can also use CAPSA to identify particular community corrections policies, practices, or operations that need to be promoted or addressed in the field to enhance management and reduce recidivism.

Needs and Potential Uses: Other Stakeholders

BJS has consulted with various community corrections professionals over the course of developing CAPSA. At each annual conference of APPA, BJS participates in a working group of practitioners and researchers and has taken advantage of this opportunity to solicit input about the content of CAPSA as well as BJS's plans for future research. Open-discussion workshops at APPA conferences, meetings of APPA's Research Committee, colleagues from NIC, BJA and OJJDP, NIC's SEPP Network, and NIJ's former Community Corrections Research Network (CCRN) have also provided opportunities to obtain input from the community corrections field about CAPSA and to learn about the information that is important to capture through CAPSA to better serve their needs.

Practitioners, such as NIC's SEPP Network, have articulated to BJS that they will use the CAPSA data as a national benchmark and also, and more importantly to them and local probation agencies, as a jurisdiction or sub-jurisdiction benchmark for which they can compare the operations of their agencies to other types (similar or different) of agencies. These groups of professionals in the field have stated that the CAPSA data will begin to fill longstanding information gaps about how the operations of probation agencies impact the effectiveness of probation. Participants of the working group meetings at the APPA conferences and APPA's Research Committee have declared that the field does not know how prevalent evidence-based probation practices are across the nation, which is important to them because of the shift in the field to adopt that model of supervision. They have expressed that the CAPSA data will give them the necessary information to understand the current state of the probation field in achieving that goal. And, it will give them information to justify the need for additional funding for more resources, such as staff, or to develop programs or conduct trainings for staff to ensure they encompass the knowledge necessary to effectively implement those programs, in order to achieve that goal of the field. These groups of professionals have also articulated that the need for this information is even more apparent now due to the fiscal challenges currently faced by many states and it can also be used to evaluate whether scarce resources are being used efficiently and effectively to reduce recidivism and enhance public safety.

Participants of the working group meetings at the APPA conferences, NIJ's former CCRN, and members of APPA's Board of Directors stated that CAPSA will, similar to APS data, provide them with data that support their contentions about the importance of community corrections relative to institutional corrections. Because BJS routinely publishes data on the size of the prison and jail populations and the operations of those facilities, the field has repeatedly reinforced the point that they expect the same for community corrections given that more than twice as many offenders are supervised in the community on probation or parole than incarcerated in prison or jail.¹ While APS provides the population data that allows practitioners to illustrate the sheer size of the probation population relative to institutional corrections, no information exists on essential operational factors of probation supervising agencies, not even basic information such as the number of supervision officers across the nation. The field has indicated that having that type of information, in combination with the APS population data and other CAPSA information about agency

characteristics, is not only essential for assessing indicators of workload and caseload sizes, but also provides empirical evidence to argue for more resources to conduct probation supervision.

CAPSA will provide the criminal justice community with new, objective data to inform future policy discussions about criminal justice reforms. The data will allow the decision-makers at various levels of government to evaluate and better understand the effects of probation agency operations and supervision practices on recidivism and sources of growth and change in the flow of offenders through the justice system. Archiving the CAPSA data, as BJS intends to do, will also allow researchers to use the CAPSA data to conduct their own analysis to further explore these issues.

3. *Provide a frame for future research.*

BJS will use CAPSA to lay the foundation for surveying probation supervising agencies periodically in the future to address other essential operational characteristics or important emerging issues identified by the community corrections field. One potential mechanism for such collections is supplemental collections to APS; CAPSA will provide the information necessary to identify sub-groups among the population of probation agencies that would be eligible to receive particular supplements. For example, other factors not fully addressed in CAPSA but related to the workload of agencies (e.g., full staffing information by position or types and sizes of caseloads) are important to enhancing our understanding of agency operations and their impact on the supervision practices implemented, the size of the probation population, types of offenders supervised, and outcomes of probationers.¹⁴ BJS is currently designing supplements for APS and will return to OMB for approval to pilot test the supplements under a generic clearance.

In addition to APS supplemental collections, BJS may use the CAPSA findings to develop new and/or support existing collections for additional research in community corrections.¹⁵ For example, CAPSA (along with the APS frame for parole agencies) will provide the frame necessary to implement the first-ever national survey of supervision officers, depending on the availability of funding and resources. This would permit BJS to collect information that was not possible to collect through CAPSA, either because it was determined to be too burdensome to collect at the agency level or because the agency would not necessarily be the appropriate unit of analysis. For example, a self-report survey of officers that provides individual-level data, rather than agency-level data, on demographics, education, job experience, salary and training received by officers would enhance the utility of the data to both BJS and the field. In addition, stakeholders (e.g., the APPA Health and Safety Committee and the National Association of Probation Executives) have identified a pressing need for information on the characteristics and experiences of community corrections officers, specifically data on hazardous duty among officers similar to that collected for police officers through the FBI's Law Enforcement Officers Killed and Assaulted (LEOKA) data system. Such data are considered critical for improving the operations of community corrections and enhancing public safety. The benefits of collecting such officer data would include the ability to link the type of incident to officer characteristics (e.g., training and education, years in service, and demographics) and agency characteristics (e.g., number of supervision officers, supervision methods, and policies and practices of supervision) from CAPSA. This type of analysis would assist in interpreting the hazardous duty data by assessing not only the different types of incidents encountered by different types of officers but also understanding the policies and practices of the agencies that could impact the risks to officers. Community corrections administrators have said that this information would assist them in their planning of officer programs and trainings as well

¹⁴ Given that the CAPSA questionnaire was designed to not only collect information about CAPSA-eligible agencies but also screen ineligible agencies out of the CAPSA, adding more questions to the CAPSA, especially questions that ask for counts such as the number of staff by position, would increase the burden and could potentially adversely affect response rates. Some decisions about which topics to address through CAPSA or later through an APS supplement were based on these types of issues and discussed with the field.

¹⁵ Prior to supplementing or implementing any new collections, BJS will submit a clearance package(s) to OMB for approval of such collections once BJS has developed the instruments and plans.

as potentially demonstrating the need for additional resources, such as staff or protective equipment.

Lastly, the CAPSA can also provide a frame for researchers who are interested in doing more in-depth, localized studies to address issues beyond those addressed in CAPSA.

3. Use of Information Technology

Data Collection

BJIS and Westat will use a multi-mode management system (M3) to allow for seamless management of the study across all phases and modes. The project staff will define rules that the M3 will use to route agencies, or cases, through the pre-notification, data collection, and follow-up phases and between web, mail, and telephone modes. (See Part B, Section 2 for more information on data collection procedures.) For example, a rule might specify that the study will start all public agency cases as web surveys and with four weeks left in the data collection period, assign all nonrespondent cases to telephone. This will help to minimize the potential for duplicative responses due to modes running in parallel. Simultaneously, it will be used to programmatically identify cases eligible for various types of contact, such as email or hardcopy survey invitations or reminders, and to monitor communications with agencies including contact with the CAPSA help desk which will be available to assist respondents. The M3 will maintain the status of all cases and be used to route cases to survey support systems such as data retrieval and data editing, and to produce real-time status reports.

For Phase 2 data collection (i.e., screening and survey administration), a web survey will be used as the primary mode for public agencies and mail (i.e., paper-and-pencil or PAPI) will be used as the primary mode for public companies (See Attachment 3 – Public Agency Questionnaire, Attachment 4 – Private Company Questionnaire, and Attachment 5 – Public Agency Web Screen Shots). A review of methodological literature on response rates achieved through Internet surveys relative to mail questionnaires yielded no studies of establishments. However, Shih and Fan (2008) reported findings from their meta-analysis that surveys involving professionals and employees had weighted average response rates of 23% and 10% (respectively) lower using Internet-based versus mail data collection methods.¹⁶ They also reported that follow-up reminders were more effective in mail surveys than in Internet-based surveys. In addition, consultations with Westat methodologists indicated that costs associated with developing an Internet-based survey relative to a mail survey for a population (i.e., private companies) that represents less than an estimated 10% of the total CAPSA universe (i.e., public agencies and private companies) would not be cost-effective.

The findings from the Shih and Fan (2008) meta-analysis would suggest that a mail survey would be most advantageous for both public agencies and private companies in terms of response rates and cost-savings associated with nonresponse follow-up. However, we also considered the respondent burden and response error that would likely result if a PAPI instrument were used with the public agency population. Whereas the private company questionnaire contains roughly 25 questions, 3 routing instructions, and no questions with wording variants, the public agency questionnaire contains 65 questions, with 77 routing instructions, and 12 questions/sections with wording variants.¹⁷ These complexities in the public agency questionnaire preclude the use of a PAPI questionnaire and can be accommodated through the use of a web survey.^{18,19,20} Features of the web survey application include dynamic error checking and the incorporation of complex

16 Shih, T.-H., & Fan, X. (2008). *Comparing response rates from Web and mail surveys: A meta-analysis*. *Field Methods*, 20, 249–271.

17 The wording of these questions is based on response to previously answered questions that are provided by the respondent during the interview. As such, the specific wording of the questions cannot be easily incorporated into a paper questionnaire.

18 Dillman, D.A. (2000). *Mail and Internet surveys: the tailored design methods*. Second edition. New York: John Wiley & Sons, Inc.

19 Cobanoglu, C., Warde, B., & Moreo, P.J. (2001). *A comparison of mail, fax, and Web-based survey methods*. *International Journal of Market Research*, 43(4), 441-452.

skip patterns, thereby reducing the potential for response errors and minimizing burden. In addition, the system includes pop-up instructions for selected questions to assist respondents as they complete the questionnaire.

Some number of public agencies may be unable to respond via the web. Lack of connectivity to the Internet and restricted access to sites external to the agency (i.e., through firewall protections) can prevent online response. During the initial communication with the agency heads, we will ask if the respondent will be able to respond online. Any agency that cannot will be able to participate by telephone; a Computer-assisted Telephone Interview (CATI) version of the public agency questionnaire will be used with these agencies. The CATI application will utilize many of the same technological features as the Internet-based questionnaire (e.g., dynamic error checking and complex skip patterns). The CATI application will also be used as back-up mode for public and private nonrespondents to increase response rates. The CATI version of the private questionnaire will utilize the same technological features as the public agency CATI survey.

Marketing and Dissemination

BJS and Westat have developed and started to implement a stakeholder outreach plan to generate interest among key stakeholders and garner support from the community corrections field for CAPSA. The plan involves collaborating with international, national, federal, and state associations of community corrections practitioners to distribute various electronic and paper materials that describe the goals of CAPSA and importance of the study, along with more detailed information. (See Part B, Section 3 for more information about the outreach plan and materials.) These materials will be published in electronic newsletters and journals, and distributed via association email blasts. In addition, BJS has developed a page on its website where respondents and other interested parties can go to find information about the project. The web page includes information about the goals, scope, design, survey content, schedule, and planned publications for the project. CAPSA respondents will be notified about the web page through written communications about the survey request and the instrument (on the survey login screen).

The publication of the CAPSA findings will be generated in electronic formats. The CAPSA reports will be available on the BJS website as PDF files. The dataset and supporting documentation will be made available for download via the Inter-University Consortium for Political and Social Research (ICPSR). This will enable researchers to access the electronic versions of the CAPSA data for further analysis. In addition, associations such as APPA will provide information about the CAPSA findings and products, and links to this information on the BJS website, in their electronic newsletter to its membership.

4. Efforts to Identify Duplication

The CAPSA project team has completed reviews of other BJS surveys, other federal data collections, and the literature in order to identify duplication. The reviews were conducted by searching the National Archive of Criminal Justice Data (NACJD), and the National Criminal Justice Reference Service, the Sage Journals publication database, and websites of other federal agencies, corrections associations, and community corrections associations. These reviews led to the conclusion that CAPSA will provide comprehensive information that is not collected elsewhere at the national and jurisdiction levels.

Several surveys do collect some information about adults who are, or have been, under community supervision, but BJS and Westat did not uncover any efforts focused on the variety of agency characteristics covered in CAPSA.

- APS collects information on the populations under the supervision of adult probation agencies nationwide. This information focuses on the size and flow of offenders under community supervision, the characteristics of the population, and tracks key outcomes of offenders on probation, such as completion of supervision terms and returns to incarceration (or recidivism).

20 Skitka, L. J., & Sargis, E. G. (2006). The Internet as psychological laboratory. *Annual Review of Psychology*, 57, 529-555.

However, no information is collected about agency characteristics (other than population-related counts with a different reference date than CAPSA). Additionally, APS is designed to collect aggregate counts and therefore relies on central reporters (some of which are not supervising agencies) when possible to provide the population data for all or part of the state. As a result, not all of the agencies that participate in APS qualify for participation in CAPSA; and a significant number of the agencies that are covered by those central reporters in APS, meaning that they do not participate themselves, qualify for participation in CAPSA. Through CAPSA, it is critical to collect limited population data (i.e., number of adult probationers by most serious offense) at the agency/company level from all respondents, as this is a key characteristic of agencies/companies and is necessary to provide context and fully interpret the information on agency/company operations and supervision practices.

- In addition to APS, BJS maintains the Federal Justice Statistics Program (FJSP) whose key purpose is to examine the unique characteristics of the federal system, and to report on changes and trends on a federal fiscal year basis. The FJSP provides data on federal offenders under supervision and does not collect information about the supervising agencies.
- The National Survey of Drug Use and Health (NSDUH), which is sponsored by the Substance Abuse and Mental Health Services Administration (SAMHSA), is an annual household survey which conducts interviews with randomly selected individuals in the non-institutionalized population age 12 or older. The purpose of the survey is to provide yearly national and state level estimates of alcohol, tobacco, illicit drug, and non-medical prescription drug use, and other health-related issues, including mental health. The NSDUH also collects data on the number of persons who were on probation or parole in the 12 months prior to the interview. However, no information is collected about or from supervision agencies.
- The National Criminal Justice Treatment Practices Survey (NCJTPS), which was sponsored by the National Institute on Drug Abuse (NIDA), was a survey that provided data on existing treatment programs across all correctional settings, including prisons, jails, probation and parole agencies, and local community correction agencies for juvenile and adult offenders. However, differences in the definitions of populations exist between the NCJTPS and CAPSA surveys. Some sub-populations fell within the scope of the NCJTPS which do not fall within the scope of CAPSA. In addition, the national level estimates provided by the NCJTPS are associated with large standard errors because the sample size was small. Since CAPSA is a census, this will not be a limitation. Also, the scope of the NCJTPS questionnaire focused on treatment practices specifically, while CAPSA focuses on a variety of other topics (e.g., supervision authority and sources of funding) and practices (e.g., methods of supervision and risk and needs assessment) related to adult supervision as well as supervision officers (e.g., use of firearms and arrest powers).

Other sources that were used to develop the CAPSA roster of public agencies and private companies provide limited information about the entities. (See Part B, Section 1 for more information about the sources.) None of the sources provide a comprehensive listing of all organizations and companies within the scope of CAPSA. In addition, while some do provide limited information about some of the entities on the CAPSA roster, none of the sources provide information on the range of topics or level of detail collected through CAPSA.

5. Impact on Small Businesses/Efforts to Minimize Burden

Most agencies (90%) that will be asked to respond to CAPSA will be federal, state, or local government agencies; about 10% will be private companies. (See Part B, Section 1 for more information on the CAPSA universe.) To minimize burden on the private companies, a distinct questionnaire has been designed that is simpler and shorter than the questionnaire used with the public agencies. The private agency questionnaire focuses on a limited set of issues that are relevant to that population (e.g., number of states in which the company supervises adult probationers and levels of government for which they receive probationers).

Private agency respondents will be asked to complete a paper questionnaire. The questionnaire was designed with feedback from APPA and modified based on comments from seven private company respondents that participated in the CAPSA pilot test conducted in 2013. (See Part B, Section 4 for more information on the pilot test and the results.) Modifications included additional instructions and definitions to help clarify question intent, and additional response options to help simplify the response process.

A help desk will be available to assist respondents during normal business hours (Eastern Time) and will be available to all respondents through a toll-free number. Voice mail will be available during off-hours and a dedicated CAPSA help e-mail address will be provided with the introductory letter and survey packet. (See Part B, Section 2 for more information about the data collection procedures.)

Private companies that do not respond to the initial survey requests will be asked to complete a telephone interview administered by a Westat interviewer using CATI. The use of the computer-assisted data collection enables dynamic error checking and the incorporation of skip patterns, similar to the web survey, which will help ensure that the interviewer only asks questions appropriate to the individual respondent. In addition, the CATI application will provide the interviewer with a glossary for quick access to definitions and instructions for the respondent as needed. These features will help minimize the time needed to complete the questionnaire.

6. Consequences of Less Frequent Collection

BJS currently does not have a dedicated data collection that examines adult probation supervising agencies. The 2014 CAPSA will provide the first national empirical data on probation agencies since BJS last collected this type of data in 1991. The consequences of less frequent data collection, therefore, would be that no current national or sub-national data on the number, practices, and offender populations of adult probation supervising agencies would be available to BJS, the community corrections field, or other interested stakeholders. Not conducting CAPSA continues to limit BJS's statistical portfolio in the area of corrections, and more specifically community corrections, and illuminates a significant gap in knowledge and understanding about the organization and administration of adult probation from a national perspective. This lack of information in turn prevents a fuller understanding of how the size of the U.S. probation population, the characteristics of the population, and the supervision outcomes of adult probationers are impacted by the variation in the operations of adult probation supervising agencies across the United States.

The consequences of not conducting the 2014 CAPSA would also impact the future of BJS's CCSP. As described in Part A, Section 2, CAPSA will fulfill multiple goals, including providing a frame to systematically assess the extent of coverage error in APS. As APS is the core collection BJS relies on to enumerate the U.S. adult probation population, it is important that BJS develops a strategy to systematically assess coverage effectively and efficiently in the future. Therefore, in an effort to enhance the CCSP, BJS is planning to conduct CAPSA periodically (every five to seven years) in the future, pending the availability of funding, which is the frequency with which BJS conducts other censuses (e.g., Census of State and Federal Adult Correctional Facilities, Census of Jail Facilities, Census of Federal, State, and Local Law Enforcement) to be able to fully describe the operations of the criminal justice system and periodically track changes over time.²¹ CAPSA will also provide the framework for future BJS research in the area of community corrections by providing the frame of probation agencies to survey through APS supplements to address other important substantive issues or emerging topics not covered by CAPSA, such as agency staffing, hazardous duty data, additional evidence-based practices, or the delivery and provision of services.¹⁴ (See Part A, Section 2 for more information.) Without the CAPSA frame, it would not be possible to proceed with this work to expand the CCSP to better meet the needs of stakeholders.

7. Special Circumstances Influencing Collection

²¹ BJS will return to OMB for approval of future collections.

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 Consultation Outside of the Agency

The research under this clearance is consistent with the guidelines in 5 CFR 1320.6. The 60-day notice for public commentary was published in the Federal Register, Volume 79, Number 27, pages 7701-7702 on February 10, 2014 (see Attachment 6 – 60-day Federal Register Notice). The 30-day notice for public commentary was published in the Federal Register, Volume 79, Number 70, pages 20230-20231, on April 11, 2014 (see Attachment 7 – 30-day Federal Register Notice). No public comments were received in response to the 60-day or 30-day notices.

BJS has consulted with states' departments of corrections staff, administrators from both state and local probation agencies, federal, state, and local probation officers, researchers, criminal justice experts in other federal agencies, and other criminal justice experts and researchers to collect a wide range of opinions in order to improve survey measurement, data collection and reporting procedures, data analysis, and presentation. This input was solicited through various venues including open-discussion workshops at APPA's summer and winter conferences since the developmental work of CAPSA began, and at the American Society of Criminology annual conferences. Working groups of community corrections professionals at the APPA annual conferences, an ad hoc expert group meeting, meetings of the CCRN of NIJ, and meetings of the SEPP Network of NIC have also been opportunities for BJS to obtain input and feedback about the CAPSA content and capacities of agencies to provide the information. BJS also consulted with adult and juvenile criminal justice experts within OJP, specifically BJA, NIJ, and OJJDP, as well as other in other federal agencies, such as NIC. Consulting with the field over the past few years has been instrumental in determining the content of CAPSA and the level of detail that CAPSA will address. The questionnaire was scaled back significantly over time to minimize the burden to respondents and maximize response which is very important given the absence and need for the information that CAPSA will provide. In addition, a pretest (less than 9) and pilot test of the CAPSA instruments were conducted over the past two years and provided BJS with critical information about the survey content, terminology, question wording, and burden. (See Part B, Section 4 for more information on the pretest and pilot test.)

The following individuals provided valuable advice and comments on the content and design of the CAPSA instruments:

Anmarie Aylward, Assistant Secretary Department of Corrections Community Corrections Division 7345 Linderson Way, SW Tumwater, WA 98501 (360) 725-8787	(760) 339-6229 Lorie Brisbin, Correctional Program Specialist National Institute of Corrections 320 First Street, NW, Room 5002 Washington, DC 20534 (202) 514-0099
Patrick Barrera, Southern Regional Vice President Probation Association of New Jersey 617 Union Avenue, Bldg. 2-20 Brielle, NJ 08730 (732) 223-1799	Shari Britton, Bureau Chief Florida Department of Corrections 501 South Calhoun Street Tallahassee, FL (850) 717-3463
Benny Benavidez, Chief Probation Officer Imperial County Probation Department 324 Applestill Road El Centro, CA 92243	Mr. William D. Burrell, Consultant 37 Cliveden Court Lawrenceville, NJ 08648 (609) 895-0212

Ms. Peggy Burke, Principal
The Center for Effective Public Policy
8605 Cameron Street, Suite 514
Silver Spring, MD 20910
(301) 589-9383

Mary Butler, Chief Probation Officer
Napa County Adult Probation
1125 3rd Street, 2nd Floor
Napa, CA 94559
(707) 259-8115

Alison Cook-Davis, Research Analyst
Policy, Planning, & Analysis Division
Maricopa County Adult Probation
620 West Jackson Street, Suite 3098
Phoenix, AZ 85003
(602) 372-0846

Brecht Donoghue, Deputy Associate
Administrator
Division of Innovation and Research
Office of Juvenile Justice and Delinquency
Prevention
Office of Justice Programs
810 7th Street, NW
Washington, DC 20531
(202) 305-1270

Jennifer Ferguson, Research Analyst
Maricopa County Adult Probation
620 W. Jackson Street, Suite 3098
Phoenix, AZ 85003
(602) 506-0488

Stephanie Hennessey, Senior Probation Officer
Central Intake - Family Division
Superior Court of New Jersey
400 South Warren Street
Trenton, NJ 08608
(609) 571-4200

Kelli Hufford, Probation Analyst
Division of Probation Services
Colorado State Court Administrator's Office
101 W. Colfax Avenue, Suite 500
Denver, CO 80202
(303) 837-3684

Mack Jenkins, Chief Probation Officer
San Diego County Probation Department
9444 Balboa Avenue, Suite 500
San Diego, CA 92123

(858) 514-3148

Stuart Jenkins, Director
Texas Department of Criminal Justice
8610 Shoal Creek Boulevard
P.O. Box 13401
Austin, Texas 78711
(512) 406-5404

Fred Klunk, Director
Statistical Reporting and Evidence-Based
Program Evaluation Office
Pennsylvania Board of Probation and Parole
1101 South Front Street
Harrisburg, PA 17104
(717) 787-5699

Edward Latessa, Interim Dean & Professor
College of Education, Criminal Justice & Human
Services
P.O. Box 210002
University of Cincinnati
Cincinnati, Ohio 4522-0002
(513) 556-5836

Nathan Lowe, Research Assistant
American Probation and Parole Association
c/o The Council of State Governments
3560 Iron Works Pike
P.O. Box 11910
Lexington, KY 40578-1910
(859) 244-8057
Scott G. Matson, Senior Policy Advisor
SMART Office
Office of Justice Programs
810 7th Street, NW
Washington, DC 20531
(202) 305-4560

Adam Matz, Research Associate
American Probation and Parole Association
c/o The Council of State Governments
3560 Iron Works Pike
P.O. Box 11910
Lexington, KY 40578-1910
(859) 244-8058

Kristen Novak, Probation Officer
Marietta Municipal Probation Department
240 Lemon Street
Marietta, GA 30060
(770) 794-5411

Natalie Pearl, Director

Research Unit
San Diego County Probation Department
94444 Balboa Avenue, Suite 500
San Diego, CA 92123
(858) 514-3148

(606) 244-8203

Gary Yates, Chief Probation Officer
Butler County Ohio Probation
314 High Street, 3rd Floor
Hamilton, OH 45011
(512) 785-5815

Eugenie Powers, Deputy Secretary
Louisiana Department of Public Safety and
Corrections
504 Mayflower Street, Building 3
Baton Rouge, LA 70802
(225) 342-8983

Charlene Rhyne, Senior Research and Evaluation
Analyst
Multnomah County Department of Community
Service
501 Southeast Hawthorne Boulevard
Portland, OR 97214
(503) 823-4000

Manny Rodriguez, Deputy Director
Community Justice Assistance
Texas Department of Criminal Justice
209 West 14th Street, Suite 400
Austin, TX 78701
(512) 305-9302

Pamela Thielke, Deputy Director
Field Operations
Texas Department of Criminal Justice
8610 Shoal Creek Boulevard
Austin, TX 78757
(512) 406-5401

Juli Tice, Chief Probation Officer
East Liverpool Municipal Court – Adult
Probation
126 West 6th Street
East Liverpool, OH 43920
(330) 386-9254

Kathy Waters, Division Director
Arizona Supreme Court
1501 West Washington, Suite 344
Phoenix, AZ Phoenix
(602) 452-3468

Mr. Carl Wicklund, Executive Director
American Probation and Parole Association
c/o The Council of State Governments
3560 Iron Works Pike
P.O. Box 11910
Lexington, KY 40578-1910

9. Payment other than Remuneration to Contractors

No payments or gifts will be provided to any type of respondents. Respondents will participate on a voluntary basis.

10. Assurance of Confidentiality

According to Title 42, United States Code 3735, Section 304, the information gathered in this data collection shall be used only for statistical or research purposes, and shall be gathered in a manner that precludes their use for law enforcement or any purpose relating to a particular individual other than statistical or research purposes. For the public agency component of CAPSA, the data represent organizational characteristics of publicly administered federal, state, and local probation supervising agencies. For the private company component, the data represent corporate characteristics. Both types of agencies will be asked to provide aggregate counts of their populations, but no information identifying individuals within their populations will be provided. The fact that participation by either type of agency is voluntary will be included in written communications sent to the agencies and companies. While the final data file made available to the public will contain agency-level and company-level responses, BJS will publish only aggregate counts of the information in BJS reports (e.g., jurisdiction level, sub-national, and national). BJS will not release the names, telephone numbers, or email addresses of the actual persons responsible for completing the questionnaires.

11. Justification for Sensitive Questions

The CAPSA instruments do not include any questions of a sensitive nature. In addition, the data that will be collected and published from the census will be aggregate counts and characteristics from which the identity of specific private persons cannot reasonably be determined.

12. Estimate of Respondent Burden

BJS has estimated the total respondent burden for the proposed CAPSA collection at 2,879 hours for 4,420 total respondents. This estimate includes all of the CAPSA collection activities including follow-up efforts and informant interviews. The burden hours and number of total respondents increased from the estimated burden published in the 30-day Federal Register Notice (2,578 burden hours for 3,980 respondents) to account for the additional public probation agencies that may be identified through data collection as missing from the preliminary roster and will need to be screened to determine eligibility (See Part B, Section 1 for more information on the number of CAPSA respondents, respondent selection, and determining eligibility.)

The CAPSA burden for the survey request and follow-up efforts is estimated at 2,849 hours for 4,368 respondents. This estimate was calculated using an estimate of 5 minutes on average per public agency and private company head to complete the Agency Information Form (AIF) and Company Information Form (CIF), with about 2 minutes on average for follow-up if the form is not returned by the due date. The survey request burden also includes 65 minutes on average per public agency respondent (n=1,980) and 30 minutes on average per private company respondent (n=204) to complete the screener items and full questionnaire. (See Part B, Section 1 for more information on the number of CAPSA respondents, respondent selection, and determining eligibility.) These estimated averages are based on responses to a pilot test question that asked respondents to include “time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing your responses.” Public agency responses ranged from 5 to 480 minutes (median=45 minutes); private company responses ranged from 10 minutes to 60 minutes (median=20 minutes). The estimated burden hours for the survey request also include an average of 10 minutes for data retrieval and follow-up efforts with public agency respondents and about 5 minutes on average for private company respondents.

The burden estimate of 2,849 hours is the maximum amount of burden expected for the CAPSA survey request. We expect that an unknown proportion of agencies and companies will be ineligible for reasons such as being out-of-scope of CAPSA or having closed. (See Part B, Section 1 for information on the CAPSA eligibility criteria and respondent selection.) These entities will either not be screened (e.g., closures) or will screen out of CAPSA early on in the questionnaire, which will result in less burden. However, because the proportion of ineligible units is currently unknown and it would be difficult to estimate that proportion, the average survey response time was assumed for each agency and company on the roster to estimate the burden hours.

In addition to the burden associated with survey participation, the total burden estimate includes 30 hours of time associated with the telephone interviews with informants in each of the 52 jurisdictions. The purpose of the interviews is to ask informants to confirm our current understanding of the organization of adult probation in their jurisdiction based on the sources used to develop the roster and to supplement the CAPSA roster if necessary. (See Part B, Section 1 for more information about the informant calls and CAPSA universe.) The telephone interviews are estimated to take about 30 minutes per jurisdiction, with an average of 5 minutes per jurisdiction for follow-up efforts if clarification of responses is necessary or to prompt informants to send information (e.g., lists, reports, or contact information) they indicated they would provide.

Activity	Average response time per respondent (minutes)	Average follow-up time per respondent (minutes)	Number of respondents	Total burden estimate (hours)
Total			4,420	2,879
Survey request			4,368	2,849
Agency/company head complete contact information form	5	2	2,184	255
Complete public agency survey	65	10	1,980	2,475
Complete private agency survey	30	5	204	119
Informant calls	30	5	52	30

13. Costs for reporting and recordkeeping

BJS anticipates that the full-time equivalent of two employees per surveyed agency/company will complete the data collection instruments and one respondent will complete the informant interview. The agency/company head is expected to complete the contact information form to identify the appropriate respondent with pay approximately equivalent to the GS-14 / 01 level which is \$106,263 per year or \$50.92 per hour. At a cost of \$50.92 per hour applied to the 0.125 hour burden to complete the contact information form, CAPSA is estimated to cost \$6.37 per agency/company head which amounts to \$12,613 for 1,980 public agencies and \$1,299 for 204 private companies.

Respondents are expected to complete the CAPSA questionnaire and informant interview with pay approximately equivalent to the GS-12 / 01 level which is \$75,621 per year or \$36.23 per hour. At a cost estimate of \$36.23 per hour for public agency respondent time applied to the 1.25 hour burden to complete the survey, including follow-up efforts, CAPSA is estimated to cost \$45.29 per public agency respondent which amounts to \$89,674 for 1,980 public agencies. The cost per private company respondent applied to the 0.55 hour burden to complete the survey, including follow-up efforts, is estimated at \$19.93 or \$4,066 for 204 private companies. The cost per respondent to complete the informant interview at 0.55 hour burden, including follow-up efforts, is \$19.93 or \$1,036 for 52 informants. The total estimated cost of respondent burden for all CAPSA collection activities is \$108,688.

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

business practices and not specifically required for this information.

14. Cost to the Federal Government

The cost to the Federal Government for this data collection is \$1,450,620. This includes \$506,660 of BJS costs associated with leading the design, implementation, and management of CAPSA. These costs also include analysis and reporting activities as well as the dissemination of the findings and data. Costs of the data collection agent are estimated at \$943,960. These costs include providing input and expertise on the design and administration of the CASA and implementing the plans, data collection, analysis, reporting activities, and the overall management of the CAPSA project.

Total Estimated Costs for the 2014 CAPSA Project Over Life of Project	
BJS Costs	
<u>Staff salaries</u>	Costs
GS-14 Senior Statistician (25% per year X 3 years; 15% per year X 2 years)	\$122,730
GS-14 Supervisory Statistician (10% per year X 5 years)	\$58,440
GS-13 Editor (5% per year X 1 year)	\$4,500
GS-15 Chief Editor (3% per year X 1 year)	\$4,000
GS-13 Information Technology Specialist (5% per year X 2 years)	\$9,890
Other Editorial and Technology Staff	\$3,100
Senior BJS Management	\$2,300
Subtotal salaries	\$204,960
Fringe benefits (28% of salaries)	\$57,390
Other administrative costs of salary & fringe (15%)	\$39,350
Subtotal BJS	\$506,660
<u>Data Collection Agent (Westat)</u>	
Personnel	\$352,190
Fringe Benefits*	-
Travel	\$200
Equipment	-
Supplies	\$9,110
Consultants/Contracts	\$24,500
Other	\$38,400
Total Direct	\$424,400
Total Indirect	\$519,560
Subtotal Data Collection Agent	\$943,960
Total estimated costs for CAPSA	\$1,450,620

* Included in "Total Indirect" costs.

15. Reason for Change in Burden

This is a new collection and therefore there is no change in burden. While the Bureau of Justice Statistics conducted a census of probation and parole agencies in 1991, the 2014 Census of Adult Probation Supervising Agencies is now a standalone collection. This collection's scope is narrower and only includes adult probation agencies.

16. Project Schedule and Publication Plan

Pending approval from the Office of Management and Budget (OMB), the CAPSA data collection is scheduled to begin in mid-June 2014. Data will be reviewed and cleaned on a flow basis as they are received. (See Part B, Section 2 for more information on data collection procedures.) All contact with respondents is scheduled to end no later than January 2015. File creation and imputation of missing data will be done within 1 month after contact with respondents end. Analysis and writing of the report will be conducted from March through May 2015. A preliminary report will be ready to begin the BJS publication process by the end of that period. The BJS publication process will take about three months which means the special report is scheduled for publication in August 2015. Though BJS anticipates a final response rate of 90% or greater, data will be published if the final response rate falls short of that mark and, consistent with BJS and OMB data quality standards, will include a nonresponse bias assessment for a response rate less than 80%.²² The final report *Organization of Adult Probation in the United States, 2014: Characteristics and Practices of Probation Agencies* will be provided to the public on the BJS website.

The report will provide readers with an overview of the prevalence of adult probation agencies in the United States. The size and scope of these agencies will be assessed relative to both their number of adult probationers, by sector and most serious offense, and their number of supervision officers that manage the population.

The report will also describe how adult probation is organized in the United States and how the structure varies across and within jurisdictions. Information on the various functions probation agencies perform and the different types of offender populations they are responsible for supervising will be presented. The prevalence of specific policies and practices agencies established to administer adult probation and the variation across and within jurisdictions will be addressed. (See Part A, Section 2 for more information on the research questions that will be addressed through the special report.)

While the special report will include both national and some jurisdiction level statistics, BJS plans to publish another report that includes a profile of adult probation in each jurisdiction. This report will provide a detailed description of the structure of adult probation in each jurisdiction and will summarize the key findings on how adult probation agencies operate and conduct supervision. Core tables providing jurisdiction level statistics, beyond those provided in the special report, will be included. BJS expects to publish this report in November 2015.

The CAPSA data and supporting documentation will be made available for download without charge at the National Archive of Criminal Justice Data at the Inter-University Consortium for Political and Social Research (ICPSR) and at Data.gov. It is expected that the data will be available to the public for download in October 2015. Access to these data permits analysts to identify the specific responses of individual agencies and companies and to conduct statistical analyses. These data will have agency and jurisdiction specific identifiers that will permit the public to use these data in combination with other data files with similar agency or location identifiers.

17. Request to Not Display Expiration Date

The OMB Control Number and the expiration date will appear on the public agency web survey and on the paper questionnaire provided to private companies.

18. Exceptions to Certification

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

²² The response rates for APS ranged from 93-100% over the past three years of data collection. While the CAPSA will be contacting more respondents than APS, CAPSA respondents will be similar to the APS respondents (i.e., probation agencies) and some will even be the same respondent.