

## MEMORANDUM

**MEMORANDUM TO:** Shelly Wilkie Martinez  
Official of Statistical and Science Policy  
Office of Management and Budget

**THROUGH:** Lynn Murray  
Clearance Officer  
Justice Management Division

William J. Sabol, Ph.D.  
Director  
Bureau of Justice Statistics

**FROM:** E. Ann Carson  
Statistician, Corrections Unit  
Bureau of Justice Statistics

**DATE:** November 3, 2015

**SUBJECT:** BJS request for OMB Clearance to conduct state department of corrections-level survey to determine states' ability to provide individual-level probation records to the National Corrections Reporting Program under the generic clearance agreement OMB Number 1121-0339.

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### **Introduction**

The National Corrections Reporting Program (NCRP; OMB 1121-0065, expires 10/31/2018) collects administrative records on annual movements of offenders in five cohorts: Admitted into prison, released from prison, held in prison at yearend, entered post-custody community supervision (PCCS) or parole programs and discharged from PCCS/parole programs. Since 1983 through the NCRP, the Bureau of Justice Statistics (BJS) has annually reported on the movements of offenders through state prison systems. These statistics are part of BJS's core corrections statistics, as they contribute fundamentally to BJS's mission of describing transitions and movements of offenders through the criminal justice system.

The NCRP data are provided by state departments of corrections (DOC), although in 5 states with separate parole boards, the DOCs submit prison data and parole boards provide the PCCS information. The District of Columbia only provides PCCS data, for a total of 56 respondents. Participation in NCRP is voluntary. The individual-level data from NCRP allows BJS to describe the demographic and offense distributions of the state prison population, in addition to identifying recidivists and analyzing sentencing characteristics.

BJS requests permission from OMB to further enhance the NCRP by incrementally introducing the collection of entry and exit records for persons on state probation, or community supervision that occurs before an offender enters the prison system. BJS obtains an aggregate count of probationers

through its Annual Survey of Probation (ASP, OMB #1121-0064), but cannot describe this population in the same way it can for prisoners because we do not have individual-level data on persons prior to their entry into prison. BJS's individual-level collection of state courts data, the National Judicial Reporting Program (NJRP, OMB #1121-0130) has been temporarily suspended given collection difficulties and lack of resources. Therefore, our understanding of persons before they enter the state prison system, including age, race by sex, and more detailed offense characteristics is non-existent.

The decentralized nature of probation in many states means that BJS must request data of multiple reporting units per state, greatly expanding the burden and cost of this collection. For 36 states however, the reporting of probation and PCCS aggregate counts is centralized and the same person fills out both BJS surveys (NCRP and ASP). Based on the aggregate counts of these states from the 2013 ASP, if all these states submitted individual-level probation records to NCRP, BJS would capture 58% of the total state probation population, with the decentralized states comprising the remaining 42%.

BJS would use the individual-level probation records to answer questions about the use of probation by the local jurisdictions (ratio of misdemeanants to felons sentenced to probation, only as part of split sentences, etc.), as well as provide a more detailed view of the probation population in these states beyond the variables collected in ASP. Issues of interest to BJS that could potentially be addressed by individual-level probation records include: Are there differences in the demographic and criminal justice characteristics of persons sentenced to probation compared to non-violent offenders put in prison?; Are there racial disparities in probation sentences?; How has the use of probation changed over the years for these states – during times of prison overcrowding, do we see an increase in sentences to probation or split sentences?; What is the age, race, and offense distribution of persons who successfully complete probation versus those who are revoked to custody?. If the individual records prove comparable to the aggregate counts from ASP when totaled for items that the two share, BJS could consider sending a shorter ASP form covering only staffing issues to those states that can report individual-level records.

#### **Request for developmental work**

BJS plans to conduct developmental work for NCRP under the generic clearance agreement (OMB #1121-0339). Specifically, BJS is requesting clearance to conduct a DOC-level survey of 35 states and the District of Columbia where probation data are centralized with their PCCS data (BJS currently receives ASP data from the DOCs from 32 states, while the District of Columbia, Nevada, Pennsylvania and South Carolina have probation/parole agencies independent of their DOCs; see Appendix A). The goal of the NCRP survey is to determine which states will be able to provide probationers' records to BJS through the NCRP, and to define the process by which BJS will need to request these data. BJS considers this short survey critical to deciding whether to request permission from OMB to collect probation data from states as a part of NCRP. The survey will assist in BJS's understanding of the data quality, coverage and availability of jurisdictions' probation data, and in planning how to go about collection if OMB ultimately approves collection of these data from the 36 centralized reporting jurisdictions. The survey will be administered in January 2016 to 36 respondents to the current NCRP collection, during the annual scheduled calls to start solicitation of the 2015 NCRP prison and PCCS data. We anticipate that the survey will increase the annual call for data by a maximum of 20 minutes.

BJS conducted a census of adult probation supervising agencies in 2014 (OMB #1121-0347) that helped to further define our understanding of the nature, staffing, and scope of offenders for which these agencies were responsible. While this collection evaluated the level of government (district, county, state) served by each agencies and requested aggregate counts of supervised probationers, it did not specifically ask whether the agencies could provide BJS with individual-level administrative records of

probationers. The census did, however, confirm the 36 centralized reporting jurisdictions described in Appendix A.

**Design of the Survey**

The survey is designed to measure the availability, coverage and quality of probation data from the 36 jurisdictions with a centralized probation/PCCS reporter, and to limit the total burden on each respondent. For example, if the respondents report that they cannot access to electronic records that cover offenders' entries and exits to probation, they will be asked to provide the contact information for the state agency that does have these data, and then skipped out of all remaining questions (see Appendix B). In addition, combining the survey on state probation data with the annual NCRP prison/PCCS data solicitation means that respondents are contacted by BJS and its data collection agents fewer times overall.

**Data Collection Procedures**

NCRP respondents in the 35 states and District of Columbia will be contacted by the Abt Associates' program manager via telephone and asked five questions, some of which have multiple parts depending on how the respondent answers a previous question. Respondents will be reminded up front that BJS is only testing the availability, coverage and quality of probation data, and not requesting states to provide these records during 2016. Responses will be entered into an Excel spreadsheet on a secure server at Abt Associates' Cambridge, MA office, and the file will be encrypted with password protection prior to Abt making transferring it to BJS via its secure FTP site.

**Burden Hours for the Survey**

Abt Associates will contact respondents from 32 state departments of corrections and 4 jurisdictions' independent parole boards (District of Columbia, Nevada, Pennsylvania, and South Carolina). Based on informal conversations with 8 states, we anticipate respondents will need a maximum of 20 minutes to respond to the survey.

**Table 1. Burden estimate for survey**

| <b>Tasks</b>  | <b>Average burden per jurisdiction</b> | <b>Total estimated burden hours</b>             |
|---|--|---|
| Telephone survey  | 20 minutes                             | 36 respondents X 20 minutes = <b>12.0 hours</b> |
| <b>Total respondent burden for all respondents = 12.0 hours</b> |  |   |

**Analysis Plan**

The goals of the NCRP probation data survey are to: (a) determine which jurisdictions will be able to provide individual-level probation data to BJS through the NCRP; (b) determine the coverage of the data – both in terms of whether there are certain counties for which the centralized reporter does not get data, as well as if the data include felons, misdemeanants, or both; (c) ensure that the jurisdictions have key elements (unique identifiers, dates of probation entry and exit, type of probation exit, offense, and

sentencing information) that would make the records useful to BJS and other stakeholders; (d) get respondents' views on data quality; and (e) delineate the process by which BJS could request individual-level probation records. If results from the brief survey reveal that most of the 36 jurisdictions can provide probation records, BJS will include these variables in a modification request to the NCRP OMB package in 2016. If permission is granted by OMB to collect individual-level probation data, BJS will use the information gathered from the survey to contact and request data submission from the appropriate officials for each state.

### **Informed Consent and Data Confidentiality**

The data being collected in the NCRP probation survey will only be used to inform a possible future collection of individual-level information on terms of sentenced probation. The only personally identifiable information to be collected will be the names and contact information of the state NCRP respondent answering the survey questions, and the identified person at an alternative state agency to whom BJS should address their questions if the current NCRP respondent cannot answer the survey. All information obtained during the survey will be maintained on secure servers at BJS and Abt Associates, Inc., and will not be shared with third parties.

### **Data Security**

BJS has a number of layers of protection to ensure the confidentiality of all data:

- All BJS data are physically stored in a secure building in Washington, DC which houses only Department of Justice's Office of Justice Programs (including BJS). The building is staffed 24 hours a day, 7 days a week by armed guards, and employees must pass through an electronic badge swipe and subsequent acknowledgement of their photograph by a guard. Non-federal visitors must be sponsored by Department of Justice employees, and submit to a metal detector test as well as record information in a central log book and wear a visitor's badge. Servers containing BJS data are stored in a locked room with access limited only to information technology personnel from the Department of Justice's Office of Justice Programs, and require a badge swipe to enter. OJP has an intruder detection system in the room housing the OJP servers. Should any data need to be stored on CD-ROMs, they reside in a locked office to which only the director and deputy directors have key access, and all data use in this room is logged.
- Technical control of the data is maintained through a system of firewalls and encryption. Data obtained from the NCRP survey will be stored in a computer file on BJS's secure hard drive behind the Department of Justice's firewall. OJP has an intruder detection system in the room housing the OJP servers. The secure drive was created specifically for NCRP and limits access to only those BJS staff that worked on the NCRP, and the data are encrypted to FIPS 201 standards. Relevant staff are given permission by the BJS information technology specialist to access the drive when they begin working on the project, and they are removed if they discontinue work on the project. Access to this drive requires a username and password verification to log on to the BJS computer system. Only this limited number of staff will be able to analyze data from the SSN survey and will have access to this file (currently, there are 2 individuals with access). All Department of Justice employees are required to undergo annual computer security training.
- Should BJS decide to destroy data in the future, it will follow all federal government guidelines regarding the technical and physical wiping of data from servers, and any CD-ROMs or paper document that may exist will be cross-cut shredded.

### **Contact Information**

Questions regarding any aspect of this project can be directed to:

E. Ann Carson, Ph.D.  
Statistician and NCRP Program Manager, Corrections Unit  
Bureau of Justice Statistics  
U.S. Department of Justice  
810 7th Street NW, Room 2243  
Washington, DC 20531  
Office Phone: 202-616-3496  
Fax: 202-616-1351  
E-Mail: [elizabeth.carson@ojp.usdoj.gov](mailto:elizabeth.carson@ojp.usdoj.gov)

**Appendix A: List of states with centralized probation/parole data reporting units**

Alabama  
Alaska  
Arkansas  
Delaware  
District of Columbia  
Florida  
Idaho  
Iowa  
Kentucky  
Louisiana  
Maine  
Maryland  
Michigan  
Minnesota  
Mississippi  
Missouri  
Montana  
Nevada  
New Hampshire  
New Mexico  
North Carolina  
North Dakota  
Ohio  
Oklahoma  
Oregon  
Pennsylvania  
Rhode Island  
Tennessee  
Texas  
Utah  
Vermont  
Virginia  
Washington  
Wisconsin  
Wyoming