



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Washington, D.C. 20531

MEMORANDUM TO: Jennifer Park, Senior Advisor
Office of Statistical and Science Policy
Office of Management and Budget

THROUGH: Melody Braswell, Clearance Officer, Justice Management Division
Jeri M. Mulrow, Acting Director, Bureau of Justice Statistics (BJS)
Elizabeth Ann Carson, Acting Chief, Corrections Unit, BJS

FROM: Zhen Zeng and Mary Cowhig, BJS Statisticians

SUBJECT: BJS request for OMB Clearance to conduct a telephone survey of local jails' capabilities to provide U.S citizenship status information on the Annual Survey of Jails, through the generic clearance agreement granted to BJS (OMB Number 1121-0339)

DATE: September 12, 2017

Introduction

The Bureau of Justice Statistics (BJS) is requesting a generic clearance to administer a one-time telephone survey to local jails in an effort to explore the feasibility of collecting one-day counts of jail inmates by U.S. citizenship status and conviction status. The short telephone survey will ask about data currently available from local jail administrators and the willingness and ability of jail administrators to provide these aggregate data to BJS. We will analyze the results to determine if additional questions on non-U.S. citizens held in local jails are feasible to include in BJS' Annual Survey of Jails (ASJ).

On January 25, 2017, the President of the United States signed an Executive Order (EO; #13768) that directed the Attorney General and the Secretary of Homeland Security to report quarterly on the "immigration status of all convicted aliens incarcerated in State prisons and local detention

centers throughout the United States.”¹ As a result, BJS has been asked by the Office of the Deputy Attorney General (ODAG) to provide statistics on non-U.S. citizens in state correctional systems and local jails. Hence, BJS is exploring the feasibility of incorporating citizenship information into its annual correctional data collections.

The current ASJ instrument collects the total number of non-U.S. citizens held in local jails. However, the utility of these data is limited for several reasons. First, the ASJ collects only the aggregate total of non-U.S. citizens held in local jails. As such, BJS cannot provide the number of convicted non-U.S. citizens held in local jails to support the Executive order. Second, some jails do not track this information, and data quality follow-up calls in the ASJ suggest that jails not tracking citizenship status in their data system may simply report “zero” non-U.S. citizens, when the correct answer is “Don’t know”.

Request for Developmental Work

BJS plans to conduct developmental work for ASJ under the generic clearance agreement (OMB 1121-0339). This telephone survey will assist BJS in understanding the availability, source, and quality of the data local jails possess on inmate citizenship disaggregated by conviction status. If BJS determines that most jails are willing to provide quality citizenship data, BJS will request permission from OMB through the ASJ full clearance package (OMB 1121-0094, expiration 01/31/2019) to collect this information from local jails on an annual basis. BJS will not add new data elements until a revised ASJ package has been reviewed and approved by OMB.

Design of the Feasibility Study

Telephone Survey Design

To determine the feasibility of collecting U.S. citizenship information disaggregated by conviction status on jail inmates, BJS is seeking to conduct structured telephone interviews of a sample of ASJ respondents. This survey will capture (1) whether their data management systems maintain an aggregate count of non-U.S. citizens, by conviction status, held in their facilities; (2) the source of citizenship data (e.g. inmate self-report, law enforcement or court documents, etc.); and (3) jails’ ability and willingness to report these counts annually to BJS if these jails are sampled in ASJ (see Appendix A). The telephone interview includes 6 questions. In many cases, respondents will not be asked all 6 questions, as skip patterns based on respondents’ answers to earlier questions determine whether follow-on questions are necessary.

The interview questions were piloted over the phone with 9 jails varying in size and geographical region. The calls took under 1 minute each for the 2 agencies that reported they did not track U.S. citizenship status, and an average of 5 minutes for the 7 agencies that did. The pre-test callers noted if the respondents had difficulty understanding or answering each question. Based on the results, the script was revised to improve the flow and clarity of questions. Of the 2 agencies that did not track citizenship data, 1 cited technical difficulties and the other said that citizenship had “no bearing on criminal justice”. All 7 agencies that collected citizenship data were willing to provide the information to BJS. However, some mentioned that providing this data would require sheriff’s approval and/or burden to produce the counts.

Collection Procedures

¹ *Enhancing Public Safety in the Interior of the United States*. Section 16(c). <https://www.whitehouse.gov/the-press-office/2017/01/25/presidential-executive-order-enhancing-public-safety-interior-united>

BJS will conduct this telephone survey during the annual Deaths in Custody Reporting Program-Jails (DCRP-Jails) verification calls (approved through OMB Control No. 1121-0094), planned for November 2017. The annual verification calls take about 8 minutes for each jail and are made to all 3,000 jails prior to the start of the DCRP-Jails data collection to learn about changes in the jail jurisdiction point of contact and leadership, facility eligibility, closures and openings, and the feasibility of capturing information on inmate and facility characteristics. The ASJ and DCRP-Jails share the same data collection agent, so we are able to easily add 6 questions to collect information on the availability and quality of U.S. citizenship data. This request covers the 6 additional questions only.

We propose to append the 6 questions to the end of the verification calls for a sample of 450 local jail jurisdictions. The ASJ/DCRP-Jails data collection agent will phone the sampled data providers and ask the additional 6 questions as part of the standard annual verification call process. Responses will be compiled, encrypted, and transferred onto the data collection provider’s secure file transfer protocol (SFTP) website for download and analysis by BJS.

Respondent Universe and Sample Design

We anticipate that the level and detail of data available will vary based on the size of the facility. Smaller jails may have more difficulty providing data than larger jails due to limited funds available for offender management software. Larger jails represent the greatest proportion of the jail population, so it is especially important to confirm larger jails’ ability and willingness to provide data. Therefore, we plan to oversample the large jails.

For simplicity and consistency with the ASJ sampling strategy, we will sample from the active 2016 ASJ panel (table 1). The ASJ uses a stratified sampling design with strata essentially based on inmate population and the presence of juveniles on June 28, 2013. We will split the original stratum 1 into two: those with an average daily population (ADP) of 2,500 or more (stratum 1A) and those with a sample jails with an ADP under 2,500 (stratum 1B). Jails in stratum1A—the largest jails—will be selected with certainty since they hold about 20% of all inmates and 23% of all non-U.S. citizens held in local jails. With the exception of stratum 1A, 50% of the jail jurisdictions from each stratum will be selected.

Stratum	Selection criteria/a		Active jail jurisdictions in the 2016 ASJ	Selected jail jurisdiction/b	Design Weight
1A	Jail jurisdictions with and average daily population (ADP) of 2,500 or more inmates		25	25	1.000
1B	Jail jurisdictions that held at least one juvenile inmate and had an ADP between 500 and 2,499 inmates; held only adult inmates and had an ADP between 750 and 2,499 inmates; or all other California jail jurisdictions not selected in stratum 1/c		296	148	2.000
2	Holding at least one juvenile on	ADP between 264 and 499	34	17	5.428
3		ADP between 141 and 263	20	10	9.400

4	December 31, 2013 Holding adults only on December 31, 2013	ADP between 69 and 140	8	4	18.000
5		ADP between 0 and 68	12	6	14.834
6		ADP between 227 and 749	207	104	2.558
7		ADP between 103 and 226	82	41	9.808
8		ADP between 40 and 102	63	32	18.000
9		ADP between 0 and 39	59	30	29.800
10	Regional jail certainties		69	35	2.000
Total			875	450	
a/Selection criteria for the ASJ is based on inmates held in local jails at the time of the 2013 Census of Jails.					
b/The sample for the telephone survey is based on the active 2016 ASJ sample panel of jail jurisdictions.					
c/All California jails are included in the Annual Survey of Jails.					

Burden Hours for the Survey

BJS estimates the total respondent burden for the 6 citizenship questions to be 38 hours. The appended telephone survey will be administered to 450 ASJ respondents with an average burden of 5 minutes (see table 2). The data collection agent, as well as the respondents from the pre-test, reviewed the survey for quality assurance and burden, and reported completion times averaging about 5 minutes.

Reporting mode	Number of data providers	Average reporting time	Total burden hours
Telephone survey	450	5 minutes	38

Analysis Plan

Results from the telephone survey will provide information on the availability and source of inmate citizenship data. BJS will also conduct analysis to anticipate missing data patterns and data quality issues of the proposed citizenship items for the future ASJ. Specifically, BJS will answer the following research questions:

1. How do jails obtain inmate citizenship information? What proportion of these jails use external verification to confirm citizenship status?
2. What percentage of jails can generate the aggregate count of non-U.S. citizen inmates held on an annual basis by conviction status? Of these jails, what percentage are willing to provide these data to BJS?
3. What jail characteristics (e.g. size, location) are related to jail ability and willingness to provide citizenship data to BJS (missing data analysis)?

4. To what extent are individual jails' responses to this survey consistent with the citizenship data they provided in the 2016 ASJ (data quality issue)?
5. What are the potential difficulties for BJS to obtain citizenship data on jail inmates through the ASJ?

Informed Consent and Data Confidentiality

The proposed telephone survey on non-U.S. citizenship data does not collect information on individuals. The only personally-identifiable information collected will be the names and contact information of the local jail respondents answering the survey questions. Because the survey elicits factual information about capabilities of jail data systems, and the only human subjects data collected is contact information for any follow-up questions, the data collection agent's IRB has determined that the data collection does not involve human subjects research.

The Bureau of Justice Statistics (BJS) is authorized to conduct this data collection under 34 U.S.C. § 10132. BJS will protect and maintain the confidentiality of your personally identifiable information (PII) to the fullest extent under federal law. BJS, its employees, and its contractors will only use the information you provide for statistical or research purposes pursuant to 34 U.S.C. § 10134, and will not disclose your information in identifiable form to anyone outside of the BJS project team without your consent. All PII collected under BJS's authority is protected under the confidentiality provisions of 34 U.S.C. § 10231. Any person who violates these provisions may be punished by a fine up to \$10,000, in addition to any other penalties imposed by law. Further, per the Cybersecurity Enhancement Act of 2015 (6 U.S.C. § 151), federal information systems are protected from malicious activities through cybersecurity screening of transmitted data. For more information on how BJS and its contractors will use and protect your information, go to https://www.bjs.gov/content/pub/pdf/BJS_Data_Protection_Guidelines.pdf.

OJP maintains a robust IT security program in accordance with applicable federal and DOJ policies, procedures, and guidelines. BJS contractors are similarly required to maintain the appropriate administrative, physical, and technical safeguards to protect identifiable data and ensure that information systems are adequately secured and protected against unauthorized disclosure. Specifically, BJS and its contractors are required to: assess and secure information systems in accordance with the Federal Information Security Modernization Act (FISMA); adhere to National Institute of Standards and Technology (NIST) guidelines to categorize and secure data; employ adequate controls to ensure data are not comingled with any other dataset or product; reduce the volume of PII collected and retained to the minimum necessary; limit access to identifiable data and for only the approved purposes; complete annual computer security awareness training; and comply with DOJ policies on remote access and security incident reporting.

Contact Information

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

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Attachments

Appendix A: Script for the Telephone Survey on Citizenship Data