



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Washington, D.C. 20531

MEMORANDUM TO: Robert G. Sivinski
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THROUGH: Jeffrey H. Anderson, Director
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FROM: Danielle Kaeble, Statistician, BJS

SUBJECT: BJS request for OMB Clearance to conduct outreach to identify/confirm missing units from universe of adult probation supervising agencies covered in the Annual Probation Survey under the generic clearance agreement OMB Number 1121-0339

DATE: January 29, 2018

Introduction

The Annual Surveys of Probation and Parole (ASPP; OMB 1121-00064, expires 10/31/2020) provide BJS with the capacity to report annually on changes in the size and composition of the community corrections populations in the United States which represent almost 70% of people in the correctional system. BJS has collected annual yearend counts and movements on and off supervision for the community corrections populations through the ASPP since 1977. The data from these surveys provide the only comprehensive national overview of the total community supervision population, as well as the individual parole and probation populations, at both the national and state levels. The surveys also track key outcomes of offenders on probation or parole, such as completion of supervision terms and return to incarceration (or recidivism).

The probation component of the ASPP – the Annual Probation Survey (APS) – is completed by two types of data providers: 42 central reporters who provide data on the probation population

supervised by all agencies in a state, and 414 reporters who provide data for only one agency in the state. Currently, there are 456 APS reporters.

In 2014, OMB approved the addition of three questions to the APS to assess population coverage during the Reference Year (RY) 2014 and 2015 collection years. APS data providers were asked to confirm that information was being reported for all probation agencies that fell within the scope of the collection. One question asked respondents to specify the probation agencies for which they provided data in RY 2014 and 2015. To facilitate the process, a preliminary list of all independent probation agencies known to supervise adult felony probationers in each state was developed from information collected through the 2014 Census of Adult Probation Supervising Agencies (CAPSA, OMB No. 1121-0347; Expiration 04/30/2017). In the event the respondent included information for a probation agency that was not listed, the respondent was asked to provide the agency's name and location in response to another question.

To ensure that data providers considered the entire universe of adults on probation in their state, the third item in APS RY 2014 and 2015 asked the respondent to mark a checklist to indicate the level(s) of courts responsible for placing adults on probation in the agencies for which they reported. A state-specific checklist of all levels of state courts responsible for criminal proceedings which might result in adults being placed on probation was provided, based on charts published by the Court Statistics Project of the National Center for State Courts (http://www.courtstatistics.org/Other-Pages/State_Court_Structure_Charts.aspx).

BJS and RTI International, BJS's data collection agent for the ASPP, have used this information to determine whether any probation agency defined as eligible was erroneously excluded from the APS, and if the population reported by one agency is duplicated by any other agencies. In addition, the information was used to check whether each level of court that is responsible for placing adults on probation supervision in each state was affirmed by at least one respondent.

Analysis of the survey data revealed the following results, across all state-specific APS questionnaires:

- 2,361 supervising agencies (SA) were listed on the RY 2015 questionnaires for verification. These agencies were based on the CAPSA roster of felony supervising agencies:¹
 - 27 agencies were no longer supervising probationers and were removed from the list
 - 39 agencies were APS respondents who did not complete the RY 2015 survey
 - 33 agencies were APS respondents but did not select themselves from the list
 - 1,603 agencies were affirmed by a single APS respondent
 - 564 agencies (identified from CAPSA, but not included in the APS frame) were not affirmed by any APS respondent
 - 107 agencies were affirmed by more than one APS respondent
- 85 agencies (not in the 2015 APS frame or on the CAPSA roster) were added by APS respondents via the write-in follow-up question:
 - 83 were reported by individual APS respondents

¹ The questionnaires presented a total of 2,361 agencies. Four agencies that did not self-affirm and 8 agencies that did not respond were affirmed by other respondents. Therefore, the sum of the details presented below equals 2,373 agencies.

- o 2 were reported by multiple APS respondents
- 168 court types were listed on the RY 2015 questionnaires for verification. Some of these were state-specific (e.g., Criminal Court of the City of New York, Bernalillo County Metropolitan Court), but most were not specific to a particular state (e.g., Circuit Court, City Court). Across all questionnaires there were about 45 unique court types.
 - o 41 of the 168 court types appearing on state-specific questionnaires were not affirmed by any APS respondent in the state

These results, in particular-- the 564 non-affirmed probation (NA) agencies, the 107 listed and 2 write-in multiple-affirmed agencies, 83 write-in agencies reported by individual APS respondents, and the 41 non-affirmed court types – suggest the possibility of either under-coverage or duplication in the APS.

Subsequently, BJS asked RTI to examine other existing data (e.g., state reports available online, CAPSA data and documentation on felony supervising agencies). This research identified approximately 5,200, including those identified previously, agencies as potentially eligible for inclusion on the APS frame. The majority of these agencies are probably supervising small populations of misdemeanor-only probationers. The number of potential additions is largely the result of:

- Identification of additional agencies through online searches that are similar to those identified in the RY 2015 survey. For example, if one county agency listed on the survey was not affirmed by any respondent, RTI searched online for information about the agency. Often, this search led to other county agencies that had not been listed on the survey but are believed to supervise probationers.
- Identifying non-affirmed court types that, from their websites, appear to assign adults to probation. Often there are dozens of these courts within a state and each might operate a supervision agency. A majority are believed to be responsible for supervision of misdemeanants without reporting requirements (i.e., inactive cases).

Six states account for nearly 70% of the potentially eligible missing agencies: Alabama (6%), Kansas (8%), Mississippi (7%), Ohio (6%), Oklahoma (8%), and Texas (34%).

Request for developmental work

BJS plans to conduct developmental work for the APS under the BJS generic clearance agreement (OMB 1121-0339). The primary goal is to determine which agencies are in operation and supervise adult probationers. Proposed outreach will entail contacting agencies responsible for supervising probationers, courts responsible for assigning individuals to probation, and other local and state-level informants to learn more about the nature of their role in probation supervision.² Outreach will target the approximately 5,000 agencies identified through the investigation described above. Contact with agencies already on the APS frame will be limited to those that report for multiple supervising agencies in a state and may have jurisdiction over one or more of the newly identified supervising agencies as well.

The secondary goal is to collect information that can be used to define the appropriate universe for the APS. Given potential respondent burden and data collection costs, it may not be possible to conduct an annual census of all eligible agencies. Rather, BJS may have to develop alternative

² In referring to “an agency” or “agencies” in this memorandum, we include both agencies and courts.

study designs (e.g., a census of agencies that supervise felons, with a sample of agencies that supervise only misdemeanants). In anticipation of the need to redesign the collection, information on the number and type of probationers supervised will be collected during these contacts. This collection will result in a complete universe of supervising agencies that can be used to conduct both censuses and sample surveys of specific types of agency to support BJS's reporting requirements and the data needs of policy-makers, researchers, and other stakeholders. Data collected from this survey will only be used internally at BJS, and will not be published.

Survey Design and Collection Procedures

RTI will institute a state-level data collection method. The effort will be done primarily by mail, but will include telephone and additional mail outreach if necessary. Overall, outreach directed at any one agency/court will last no longer than 8 weeks. Respondents will be notified that OMB has approved this survey.

In most states, the first step will be to mail a request for information to the agency head. The request will include a cover letter explaining the purpose of the request and an Information Form (Appendixes A and B). The form will ask the respondent to indicate whether the agency has responsibility for supervising adults on probation and, if not, whether they expect to have that responsibility in the following year. If a court assigns adults to probation and does not have responsibility for supervising them, they will be asked for the name of any agency with the responsibility for supervising the probationers the court assigns. All respondents will be asked to report the number of felons and number of misdemeanants supervised. In addition, they will be asked to provide contact information for the data provider and the agency head. Agencies will be able to contact the Agency Support Team via a toll-free hotline or the study e-mail address if they choose to respond by telephone.

A modified approach will be used in Texas, where there are more than 1,700 agencies to contact, and any other jurisdiction with large numbers of agencies where little is known about the likelihood that they supervise probationers. In these cases, the initial contact will employ a self-mailer (i.e., folded postcard) in place of the cover letter and Information Form. The self-mailer is shown in Appendix C. The mailer will provide the same information as the cover letter and highlight a few recent findings from the ASPP. However, it will only ask about the supervisory role played by the agency and the contact information of the respondent. Questions about the number of adults supervised by type will not be asked; no contact information for the agency head will be requested. Only those agencies that report having supervisory responsibilities will then be contacted by email to collect the numbers of felons and misdemeanants supervised (Appendix D). This approach reduces the burden placed on many agencies and still allows for the identification of those eligible for the full ASPP.

If no response to these mail requests is received within 2 weeks, telephone follow-up will be conducted using a prepared script (Appendix E); this follow-up effort will last 2 weeks. Remaining nonrespondents to the telephone follow-up that were sent the cover letter and Information Form will then be sent the self-mailer in an attempt to collect limited eligibility information.

Two weeks after sending the self-mailers to this batch of nonrespondents, RTI will initiate a final round of telephone outreach with all remaining nonrespondents. This effort will last no more than 2 weeks.

Burden Hours for the Survey

RTI will contact up to 5,300 agencies. This includes the 5,200 identified agencies and the possibility of 100 more to be discovered during outreach. We anticipate that respondents, regardless of mode or reporting form, will need an average of 10 minutes to gather necessary information and respond to the questions posed either from the telephone conversation with RTI or on the information form.

Table 1. Burden estimate for survey

Tasks	Average burden per agency	Total estimated burden hours
Gather information	5 minutes	5,300 respondents x 5 minutes = 442 hours
Provide information	5 minutes	5,300 respondents x 5 minutes = 442 hours
Total respondent burden for all respondents = 884 hours		

Analysis Plan

The goals of the APS frame enhancement activity are to: (1) determine which adult probation supervising agencies are currently in operation and supervise adult probationers, and (2) collect information that can be used to define the appropriate universe for the APS. The collected responses will be reviewed to identify eligible agencies and classify them by size and population supervised (felon or misdemeanor). If results identify agencies that should be added to the APS universe and included in future data collection cycles (starting in RY 2018 or RY 2019), BJS will submit a modification request to OMB to increase the number of agencies and burden involved in the APS. Upon OMB approval, BJS will include the eligible agencies in the data collection efforts as appropriate, based on agency characteristics.

Informed Consent and Data Confidentiality

The only personally-identifiable information to be collected will be the names and contact information of the agency personnel answering the questions. Because the survey elicits factual information about the agency and the only human subjects data collected is name and contact information for any follow-up questions, RTI's IRB has determined that the data collection does not involve human subjects research. All information obtained during the survey will be maintained on secure servers at BJS and RTI, and will not be shared with third parties.

Data Security

As outlined in BJS's Data Protection Guidelines,³ BJS maintains a robust IT security program in compliance with the DOJ Cybersecurity Program and the DOJ IT Security Rules of Behavior

³ https://www.bjs.gov/content/pub/pdf/BJS_Data_Protection_Guidelines.pdf

(ROB) for General Users to facilitate the privacy, security, confidentiality, integrity, and availability of BJS computer systems, networks, and data in accordance with applicable federal and Department policies, procedures, and guidelines.

Technical control of the data is maintained through a system of firewalls and encryption. Data obtained from the ASPP surveys and this special APS activity will be stored in a computer file on BJS's secure hard drive behind the DOJ's firewall. The secure drive was created specifically for ASPP and limits access to only those BJS staff who work on the ASPP. The BJS information technology specialist assigns permissions to staff involved in the ASPP project to access the secure drive. Access is removed if staff discontinue work on the project, and a username and password verification are required to log on to the BJS computer system. All DOJ employees are required to undergo annual computer security training as well as periodic background investigations.

All BJS data are physically stored in a secure building in Washington, DC which houses DOJ's Office of Justice Programs (OJP, which includes 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. Visitors must be sponsored by DOJ employees, submit to a metal detector test and video surveillance, wear a visitor's badge, and provide information that is recorded in a central log book. Servers containing BJS data are stored in a locked room secured by a personal identity verification management system with access limited to OJP information technology personnel. OJP has an intrusion 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 BJS acting director and deputy directors have key access, and all data use in this room is logged.

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 documents that may exist will be cross-cut shredded.

BJS data collection agents and 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.

Contact Information

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

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Appendix A. Agency and Court Cover Letters

Appendix B. Agency and Court Information Forms

Appendix C. Self-Mailer Information Request Forms

Appendix D. Email Request for Population Counts

Appendix E. APS Frame Enhancement Telephone Script