



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Washington, D.C. 20531

MEMORANDUM TO: Bob Sivinski
Office of Statistical Policy and Planning
Office of Management and Budget

THROUGH: Jeffrey Anderson, Director
Jeri Mulrow, Deputy Director
Elizabeth Ann Carson, Corrections Unit Chief

FROM: Laura Maruschak, Statistician, BJS

SUBJECT: BJS request for OMB generic clearance to conduct outreach to identify/confirm the universe of adult correctional facilities covered in the Census of State and Federal Adult Correctional Facilities under the BJS generic clearance agreement OMB Number 1121-0064

DATE: June 12, 2018

Introduction

The Census of State and Federal Adult Correctional Facilities (CSFACF; OMB No. 1121-0147, expired 04/30/2015), is part of the larger Bureau of Justice Statistics' (BJS) portfolio of establishment surveys that inform the nation on the characteristics of adult correctional facilities and persons sentenced to state and federal prisons. The CSFACF collects data at the facility level. Data obtained are intended to describe the characteristics of confinement and community-based adult correctional facilities that are (1) operated by state and federal authorities or (2) operated by local authorities or private entities under contract to state or federal authorities. The data also allow BJS to describe the conditions in which this population is being held. The data collected informs BJS on issues such as capacity and crowding, conditions of confinement, workload, facility function—including provision of medical and mental health care, safety and security—and inmate reentry.

The Census of State Adult Correctional Facilities (CSACF) was first fielded in 1974 by the Office of Justice Assistance, Research and Statistics of the Law Enforcement Assistance Administration. BJS repeated the state prison census collection in 1979 and 1984. In 1990, facilities under the Federal Bureau of Prisons (BOP) were added to the census, and it was renamed the Census of State and Federal Adult Correctional Facilities (CSFACF). The CSFACF was conducted in 1990, 1995, 2000, and 2005. The CSFACF was not administered in 2010 due to resource constraints at BJS, and it was determined that the coverage and measurement of the 2005 census needed to be assessed. As 2012 approached, there was a need for a universe for the upcoming Survey of Prison Inmates (SPI; OMB No. 1121- 0152). In response, BJS decided to fill the immediate need and scaled back the traditional CSFACF to a set of items for frame development. The facility universe was identified in 2012 and was used to draw the sample of facilities for the 2016 SPI.

BJS plans to conduct the CSFACF at midyear 2019. Prior to administering the CSFACF, BJS—through its CSFACF data collection agent, RTI International (RTI)—must update its current roster of prison facilities. BJS estimates that there will be approximately 2,100 facilities in scope for the 2019 CSFACF collection. BJS will submit a full clearance request for the CSFACF in late fall of 2018.

Request for developmental work

BJS plans to conduct developmental work for the CSFACF under the BJS generic clearance agreement (OMB 1121-0064). To reach the goal of developing a comprehensive roster of facilities in scope for the CSFACF, BJS would like to conduct a data collection effort among the 50 state Departments of Corrections (DOCs). At this time, BJS does not need to reach out to the Federal Bureau of Prisons (BOP) to identify its adult community-based correctional facilities that are in scope for the CSFACF. BJS can rely on its contacts at the BOP to provide a list of their adult community-based correctional facilities closer to the time of the national implementation of the CSFACF. Prior to the launch of the CSFACF at midyear 2019, BJS will reach out to private contractors identified during this roster development effort, all DOCs, and the BOP to identify the appropriate respondent to the CSFACF. At that time, BJS will reach out to the BOP's Reentry Services Division, the component responsible for managing BOP contracts with community-based facilities, and will obtain the list of adult community-based correctional facilities that are eligible for the CSFACF. BJS has conducted work internally to compile a roster of facilities that are likely in scope for the CSFACF by examining rosters of confinement and community-based adult prison facilities used for BJS's SPI and National Inmate Survey (NIS; OMB No. 1121-0311) efforts, as well as searches of DOC websites.

The focus of this data collection effort will be to develop the most up-to-date and accurate list of adult community-based correctional facilities operated by a state DOC or contractor that meet the following two criteria: (1) the facility is used primarily to house prisoners for state prison authorities; and (2) 50% or more of the prisoners are regularly permitted to leave unaccompanied by staff for work, study, or treatment. To do this, BJS will provide respondents with a pre-populated list of adult community-based correctional facilities that BJS has identified as meeting the criteria specified above, and ask them to review the list, make necessary updates to the list and provide us with some additional information about each facility. Specifically, respondents will be asked to indicate whether a facility: has closed; is holding inmates for their state; permits 50% or more of its inmates to leave unaccompanied by staff; and is operated by the DOC, a private company, or local authorities. They will also be asked for a point of contact (POC) at

each facility if the facility is not operated by the DOC, who can provide population and facility characteristics data.

This information will help BJS determine final eligibility for each facility and identify the appropriate respondent for the CSFACF. Respondents will be asked to add any facility that is in scope but does not appear on the prepopulated list, and respond to a subset of questions posed for the listed facilities. Additions are of particular interest, as BJS expects there are many contract facilities that fall within scope for the CSFACF and are not currently on BJS's list. This collection effort is imperative to developing a complete and accurate roster for the CSFACF, and will compliment additional prison roster development work conducted for the 4th iteration of the NIS to produce a roster of state, federal, and contracted confinement facilities holding prisoners primarily for state and federal authorities.

Survey Design and Collection Procedures

RTI will institute a jurisdiction-level data collection method. Respondents will be notified that OMB has approved this collection and that participation in the data collection effort is voluntary.

The first step will be to notify the DOC agency head of the upcoming request for information and ask for the agency to designate a POC who can provide the roster data. The request will include a cover letter explaining the purpose of the request, a POC Designation Form, and an enclosure that delineates the requested data elements and lists the facilities within the jurisdiction that are on the initial roster (Appendixes A, B, and C). The letter will request that the Designation Form be returned to RTI via email, fax, or mail. If no response to this request is received within 2 weeks, telephone and email follow-up will be conducted.

RTI will send each POC a letter explaining the purpose of the request (Appendix D) and the enclosure providing the requested data elements and list of facilities (Appendix C). Additionally, instructions will be provided for accessing an Excel template (Appendix E) online; POCs can download the Excel template (Appendix F) and use it to provide the requested data. Completed templates can be returned to RTI via email, fax, or mail.

The materials sent to the POCs will include instructions to contact RTI if they prefer to provide the data in some other mode or format that is less burdensome. For example, POCs may choose to send a file containing data extracted from their information management system or call RTI and provide the information by phone.

Approximately 2 weeks after sending the materials to a POC, RTI will send a reminder letter to non-respondents. Starting 4 weeks after the initial mailing, RTI will follow up with non-respondents by phone and email. Follow-up will also be conducted if a POC returns a completed Excel template with missing or ambiguous information. Follow-up by phone will be conducted concurrent with the attempts by mail, but be limited to a 4-week period from mid-September through mid-October.

Burden Hours for the Survey

RTI will contact each of the 50 Departments of Corrections. The number of facilities per state ranges from between approximately 1 and 60 facilities. On average, each state will be asked to report on approximately 11 facilities and any additional facilities in use that are not listed. BJS

anticipates that respondents, regardless of mode or reporting form, will take an average of 35 minutes (approximately 3 minutes per facility) to gather the necessary information and complete the Excel template. Follow-up for clarification and missing information is estimated at 10 minutes per respondent. Table 1 provides the overall burden estimate and the burden estimate for each component of the collection.

Table 1. Burden estimate for collection

Tasks	Average burden per agency	Total estimated burden hours
Gather/provide information	35 minutes	50 respondents x 35 minutes = 29.2 hours
Follow-up	10 minutes	50 respondents x 10 minutes = 8.3 hours
Total respondent burden for all respondents = 37.5 hours		

Analysis Plan

The goal of the CSFACF roster development activity is to collect information that will be used to define eligible facilities for the CSFACF. The results will be provided in the clearance request that BJS submits to OMB for the 2019 CSFACF data collection.

Informed Consent and Data Confidentiality

The roster collection elicits factual information about the facilities in which inmates are housed. The only personally identifiable information to be collected will be the names and contact information of the agency personnel answering the questions. RTI’s IRB has determined that the data collection does not constitute research involving human subjects. Nevertheless, 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 Guidelines¹, BJS maintains a robust IT security program in compliance with the DOJ Cybersecurity Program and the DOJ IT Security Rules of Behavior (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.

BJS will protect and maintain the confidentiality of personally identifiable information (PII) to the fullest extent under federal law. BJS, its employees, and its contractors will only use the information provided for statistical or research purposes pursuant to 34 U.S.C. § 10134, and will not disclose information in identifiable form to anyone outside of the BJS project team without 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

¹ https://www.bjs.gov/content/pub/pdf/BJS_Data_Protection_Guidelines.pdf

Enhancement Act of 2015 (6 U.S.C. § 151), federal information systems are protected from malicious activities through cybersecurity screening of transmitted data.

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 Head Cover Letter**
- Appendix B. Point of Contact Designation Form**
- Appendix C. Roster Data Elements/List of Facilities**
- Appendix D. Point of Contact Cover Letter**
- Appendix E. Instructions to Access the Roster**
- Appendix F. Sample Roster Questionnaire**