



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Washington, D.C. 20531

MEMORANDUM

To: Robert G. Sivinski
Office of Statistical and Science Policy
Office of Management and Budget

Through: Melody Braswell
Department Clearance Officer
Justice Management Division

Jeffrey H. Anderson, Ph.D.
Director
Bureau of Justice Statistics

Jeri M. Mulrow
Principal Deputy Director
Bureau of Justice Statistics

From: Jessica Stroop
Statistician, Project Manager
Bureau of Justice Statistics

Date: January 20, 2021

Re: BJS request for OMB Generic Clearance for frame building and validation for the National Inmate Survey (NIS-4) Prisons, under the OMB generic clearance agreement (OMB Number 1121-0339).

Introduction

The Bureau of Justice Statistics (BJS) seeks generic clearance approval for outreach to identify and confirm the universe of adult correctional confinement facilities (the frame) to support the National Inmate Survey (NIS-4) Prisons. The NIS-4 Prisons supports BJS in meeting the statistical, data and research requirements of the Prison Rape Elimination Act (PREA; P.L. 108-79, Sec.4; see Attachment 1).

The act requires BJS to “carry out, for each calendar year, a comprehensive statistical review and analysis of the incidence and effects of prison rape.” The act further instructs BJS to conduct surveys and other statistical studies of current and former inmates. To implement the act, BJS developed the National Prison Rape Statistics Program (NPRSP), which includes four separate data collection efforts: the Survey of Sexual Victimization (SSV), the National Survey of Youth in Custody (NSYC), the National Former Prisoner Survey (NFPS), and the National Inmate Survey (NIS). These collections are independent, and while not directly comparable, they provide separate measures of the prevalence of sexual victimization within correctional facilities and detailed information on the characteristics and circumstances surrounding that victimization.

The NIS collects data on allegations of sexual victimization from inmates held in prisons and jails. Between April and December 2007, BJS completed the first NIS (NIS-1) in 282 local jails and 146 state and federal prisons. Between October 2008 and December 2009, BJS conducted the second NIS (NIS-2) in 286 local jails and 167 state and federal prisons. Between February 2011 and May 2012, BJS conducted the third NIS (NIS-3) in 358 local jails and 233 state and federal prisons. As a result of funding constraints, BJS determined that the NIS-4 will be administered separately in prison and jail facilities. Data collection in state and federal prisons is scheduled to occur in 2018-19, followed by data collection in local jails in 2019-20.

In all three prior rounds of the survey the data were collected by RTI International (RTI) under a cooperative agreement with BJS. In each round, inmates completed an audio computer-assisted self-interview (ACASI), in which they interacted with a computer-administered questionnaire, heard questions and instructions delivered via headphones, and responded via a touch-screen enabled laptop computer. A total of 63,817 inmates participated in NIS-1; 81,566 inmates participated in NIS-2; and 92,449 inmates in NIS-3.

Purpose of Frame Development

Although the PREA legislation applies to all correctional facilities (prisons, jails, community-based facilities, and juvenile correctional facilities), eligibility for inclusion in the NIS-4 Prisons sample is limited to adult confinement facilities. Confinement facilities are defined as facilities that primarily house inmates for state and federal authorities in which fewer than 50% of inmates are regularly permitted to leave unaccompanied by staff for work, study, or treatment. For BJS and RTI to design and draw an appropriately representative sample of state and federal confinement prisons that will be asked to participate in NIS-4, BJS will need a current list of all state and federal prisons with several characteristics required for sampling, including, the name and address; population count; juvenile population count (if any); number of inmates by sex of inmates housed (men, women, or both); and whether it is a state, federal or privately-operated facility.

BJS will then use this frame to draw a sample of eligible facilities for the NIS-4 in Prisons. The sample design for the NIS-4 is a two-stage probability proportionate to size (PPS) sample. First, a stratified sample of facilities is selected, including one facility in each state as required by the PREA legislation. The first stage will be stratified by primary gender held and jurisdiction (federal or state). Second, inmates within each facility are selected via simple random sampling.

This sample design allows BJS to meet the analytical objectives of the NIS-4. The key analytic goal is to measure the impact (if any) of the implementation of the PREA standards had on victimization rates. The frame development activity is critical to ensuring that BJS can estimate the 2019 sexual victimization rate with similar precision as past NIS studies, determine whether the sexual victimization rates have changed since prior iterations, and enable the estimation of sexual victimization rates by facility characteristics (e.g. facility size).

A second goal of this activity is to contribute to the frame development for the 2019 CSFACF. The NIS-4 team will share the results of this effort with the 2019 CSFACF team to reduce duplication and burden on the field. The 2019 CSFACF team submitted a similar generic clearance request for frame development and validation activities that focused strictly on non-confinement facilities. BJS purposefully coordinated these two frame development activities.

This submission is to seek generic clearance for contact with the field to conduct frame building and development activities in preparation for the fourth National Inmate Survey (NIS-4) in Prisons. This work will be conducted under the cooperative agreement between BJS and RTI International (award 2017-RP-BX-K053.) Prior rounds of the NIS have utilized the Census of State and Federal Adult Correctional Facilities (CSFACF) as the most complete enumeration of facilities. The CSFACF was last conducted in 2005, and activities related to conducting the 2019 CSFACF are currently underway. The CSFACF team has compiled a preliminary roster of facilities that are likely in scope for the NIS-4 Prisons by examining rosters of adult confinement prison facilities used for BJS's 2012 Census of Prisons, and the 2016 Survey of Prison Inmates (SPI; OMB No. 1121-0311) efforts. RTI is updating this list with information that can be found on State Departments of Corrections (DOC) and the Federal Bureau of Prisons (BOP) websites.

That compiled information represents the most up-to-date and accurate list of adult prison facilities operated by a state DOC, BOP, or private contractor that are covered under PREA.

To verify the accuracy and completeness of facilities and information contained on this list, BJS and RTI have developed a low burden outreach process that involves asking the confinement facilities to validate and update this roster to ensure that it is the most current and complete enumeration of facilities from which to select a representative sample of prisons for NIS-4.

Request for Outreach for Frame Building Activities

Survey Design and Collection Procedures

To validate the frame, a package of four documents (total) will be sent in two separate mailings (two forms sent via U.S.P.S. and two forms sent via email) to the DOC in each state. The package will contain (1) a paper cover letter drafted by BJS and sent through RTI, that contains information about the NIS-4 and the purpose of this validation effort, (2) the paper Point Of Contact (POC) Designation Form, (3) once identified, an email to the POC that contains instructions for verifying the information on the attached state or jurisdiction specific excel worksheet, and (4) the electronic excel worksheet of the preliminary identified facilities in the state or jurisdiction.

The cover letter, addressed to the DOC agency head, includes a brief overview of the NIS-4 Prisons and the purpose of the request. This letter will also notify the agency heads that OMB approval has been obtained for this effort and that participation is voluntary (Attachment 2). Enclosures to this letter will include the POC Designation Form (Attachment 3).

The purpose of the POC is to allow the agency head to identify and delegate the individual who is able to provide current information about each prison (e.g., Directors of Research). The cover letter contains clear instructions on how each respondent can return the completed POC Designation Form to RTI via email, fax, or mail, and requests that the Designation Form and template be returned to RTI within two weeks of receipt. If no response to this request is received within 2 weeks RTI will call non-respondents.

Once this form is returned to RTI, an email will be sent to the POC (Attachment 4), containing instructions on how to complete the preliminary excel list electronically which contains facility names and the requested data elements. The form will be attached to the email. (Attachment 5).

The POC is asked to review the listing provided and indicate, for each facility listed whether the facility:

- has closed
- is holding inmates for their state
- permits less than 50% of its inmates to leave unaccompanied by staff
- is operated by the DOC, a private company, or local authorities

In addition, the POC is asked to

- confirm the name and mailing address of each facility
- provide updated population counts for men, women, and juveniles (if applicable)
- identify any newly opened facilities that are not included on the list provided by RTI

The excel worksheet, mailed to each state, is pre-populated in electronic format and is extremely user friendly. The spreadsheets have been drafted such that fields requiring validation or correction can be easily revised and marked with drop down and open text options so it is clear what has been changed (e.g., population count data being updated; sex of inmates being held changing; a new prison opening; a prison being closed, etc.)

Follow-up will also be conducted if a POC returns a completed Excel template with missing or ambiguous information. All materials sent to the POCs will include instructions on how 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. Follow-up emails and telephone calls will be conducted as needed until updated information from all DOCs is obtained. The anticipated timeframe to complete this entire exercise is 4 to 6 weeks from the time OMB approval is obtained.

Burden Hours for Validation

The burden for this activity consists of the POC at the DOC or BOP validating and updating the fields requested for each facility listed in their jurisdiction. The total estimated burden hours for this activity is 245.3 hours.

Burden Estimate

There are approximately 1,472 confinement prisons across 50 DOCs and BOP. Utah has only 2 state prisons, whereas BOP has 190 Federal prisons. We estimate that reviewing and updating data will take POCs approximately 10 minutes per prison; however, for large DOCs and BOP, which have many prison facilities, this calculation is likely on the high side. Table 1 presents the estimated burden for BOP and each DOC, as well as the total burden estimate. For example, we estimate that Utah will spend about 20 minutes or 1/3 of an hour reviewing and updating the information requested. A medium DOC, like Ohio with 30 confinement prisons, may spend up to 300 minutes or 5 hours reviewing and updating the information requested.

**Table 1
Estimated Burden Hours Associated with Planned NIS-4 Prison Frame Building Activities**

Operator	Number of Confinement Prisons	Time to Review and Update Data per Prison (in minutes)	Total Time to Review and Update Data (in minutes)	Total Time to Review and Update Data (in hours)
UT	2	10	20	0.3
RI	4	10	40	0.7
SD	4	10	40	0.7

ME	5	10	50	0.8
Operator	Number of Confinement Prisons	Time to Review and Update Data per Prison (in minutes)	Total Time to Review and Update Data (in minutes)	Total Time to Review and Update Data (in hours)
NH	5	10	50	0.8
ND	6	10	60	1.0
WY	6	10	60	1.0
HI	7	10	70	1.2
NE	8	10	80	1.3
VT	8	10	80	1.3
ID	8	10	80	1.3
DE	9	10	90	1.5
KS	9	10	90	1.5
WA	12	10	120	2.0
MN	12	10	120	2.0
WV	12	10	120	2.0
KY	13	10	130	2.2
IA	13	10	130	2.2
MT	15	10	150	2.5
NM	15	10	150	2.5
MA	17	10	170	2.8
NV	17	10	170	2.8
TN	17	10	170	2.8
OR	18	10	180	3.0
IN	19	10	190	3.2
AR	20	10	200	3.3
LA	20	10	200	3.3
AK	21	10	210	3.5
AL	21	10	210	3.5
MO	21	10	210	3.5
MD	22	10	220	3.7
SC	24	10	240	4.0
AZ	25	10	250	4.2
CO	25	10	250	4.2
CT	27	10	270	4.5
WI	28	10	280	4.7
NJ	28	10	280	4.7
PA	30	10	300	5.0
OH	30	10	300	5.0
MI	32	10	320	5.3
IL	36	10	360	6.0
OK	42	10	420	7.0
Operator	Number of Confinement	Time to Review and Update Data	Total Time to Review and Update	Total Time to Review and Update

	Prisons	per Prison (in minutes)	Data (in minutes)	Data (in hours)
MS	43	10	430	7.2
VA	45	10	450	7.5
NC	56	10	560	9.3
NY	57	10	570	9.5
GA	66	10	660	11.0
CA	78	10	780	13.0
FL	111	10	1,110	18.5
TX	113	10	1,130	18.8
BOP	190	10	1,900	31.7
TOTAL	1472		14,720	245.3

Costs to the Federal Government

The total cost of conducting the frame building activities will be approximately \$12,030 under the cooperative agreement with RTI (Award 2017-RP-BX-K053) for the NIS-4. This estimate excludes the cost of BJS staff working on the project team.

Use of Incentives

No incentives will be offered for this work.

Use of Information Technology to Reduce Burden

The frame building activities utilize technology (email, website reviews, and telephone communication) to reduce participant burden and control study costs. Aside from the initial cover letter to the agency head which is a customary courtesy BJS employs in making contact with the correctional field, all other efforts rely on telephone and email to communicate with involved parties.

Informed Consent for All Outreach Activities

Protection of Human Subjects

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, and that there are no human subject concerns for this type of effort. 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.

Language

All outreach activities will be conducted in English.

Data Confidentiality Pledge and Data use Assurance

This roster development activity requests administrative data be updated, and asks for the name of a POC from a DOC. As such, both BJS’ confidentiality pledge and data use assurance policies apply.

For the facility data, BJS is authorized to conduct this data collection under 34 U.S.C. § 10132. BJS, its employees, and its data collection agents will only use the information provided for statistical or research purposes pursuant to 34 U.S.C. § 10134, and will protect it to the fullest extent under federal law.

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.

For data contained on the POC form, BJS will protect and maintain the confidentiality of any personally identifiable information (PII) to the fullest extent under federal law. BJS is authorized to conduct data containing PII under 34 U.S.C. § 10132. BJS, its employees, and its data collection agents 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 obtaining 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.

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.

Data Analysis Plan

The goal of the NIS-4 Prisons roster development activity is to collect information that will be used to define eligible facilities for the NIS-4 Prisons data collection. The summarized results will be provided in the clearance request that BJS submits to OMB for the full implementation of the NIS-4 Prisons data collection.

Contact Information

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

Jessica Stroop

PREA Project Manager, Statistician

Bureau of Justice Statistics

U.S. Department of Justice

810 7th Street NW

Washington, DC 20531

Phone: 202-598-7610

Email: jessica.stroop@usdoj.gov

Attachment 1. PREA Legislation

Attachment 2. Agency Head Cover Letter

Attachment 3. Point of Contact Designation Form

Attachment 4. Email to POC with Instructions (template)

Attachment 5. Roster Data Elements/List of Facilities

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