

SUPPORTING STATEMENT

2019 Census of State and Federal Adult Correctional Facilities

The Bureau of Justice Statistics (BJS) is requesting clearance to conduct the 2019 Census of State and Federal Adult Correctional Facilities (CCF). The CCF (OMB No. 1121-0147, expired 04/30/2015) is part of the larger BJS portfolio of establishment data collections that inform the nation on the characteristics of adult correctional facilities and persons sentenced to state and federal prisons. This data collection, fielded periodically, will be the ninth in the series. The proposed data collection includes all confinement and community-based adult correctional facilities that are (1) operated by state authorities and the federal Bureau of Prison (BOP) or (2) operated under contract whose primary purpose is to hold prisoners for state or BOP authorities. The data collected inform issues related to the operations of facilities and the conditions of confinement, including facility capacity and crowding, safety and security within prisons, security-staff workload, overall facility function, programming, work assignments, and special housing. Statistics produced from the CCF are part of BJS's core corrections statistics.

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 holding for the BOP were added to the census, and it was renamed the Census of State and Federal Adult Correctional Facilities (CSFACF, hereafter referred to as the CCF). The CCF was conducted in 1990, 1995, 2000, and 2005. The CCF 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 Survey of Prison Inmates (SPI; OMB No. 1121- 0152). In response, BJS decided to fill the immediate need and scaled back the traditional CCF to a set of eight items for frame development. The facility universe was identified in 2012 and was used to draw the sample of facilities for the 2016 SPI. The original plan was to field a subsequent "Part B" with the remaining CCF questions shortly after getting the elements needed for the SPI sampling. The plan was not carried out due to the lack of resources, both financial and staffing, to manage a second wave of data collection.

In 2019, BJS will return to the pre-2012 model of the CCF, which will provide a variety of facility and inmate characteristics including –

- inmate populations by demographic characteristics, holding authority, and custody-security level;
- facility characteristics such as operating authority, physical-security level, function, capacity, and court orders or consent decrees;
- total staff and security staffing levels by sex and by race;
- number of assaults, misconduct/disciplinary reports, and disturbances; and
- types of work assignments, educational programs, and counseling or special programs offered at facilities.

New to the 2019 OMB review and based on observation of recent correctional practices, BJS is requesting to add items to capture –

- the extent to which facilities are administratively linked and security staff are shared,
- the extent to which facilities are housing veterans in designated units,
- the inmate-to-security staff ratio based on the number of security staff working a given shift, and
- the number of prisoner-on-prisoner assaults resulting in serious injury and without serious injury.

BJS proposes to remove 14 items from the 2005 CCF due to high burden, low utilization, duplication with other BJS data collections, and/or low response rates in 2005. These changes are discussed in Section A.2.

The measures listed above will be asked of confinement facilities. Because all data elements do not pertain to community-based correctional facilities, BJS is proposing to ask reporters for community-based facilities to respond to a subset of questions of those asked of reporters for confinement facilities. Measures included in the community-based facility instrument are discussed in A.2.

The design of the census instruments is similar to past iterations of the CCF, with one modification to increase the ease of reading and understanding questions. New to the 2019 CCF, the single page of definitions has been removed, and individual definitions were moved to immediately follow the terms being used. Similar to past iterations of the census, –

- related questions are grouped together in topical sections,
- informative section headers are provided to assist respondents in recognizing different sections of the instrument,
- questions and instructions are presented in a consistent manner on each page to facilitate comprehension,
- clear instructions regarding skip patterns assist the respondent in navigating the instrument, and
- proper alignment and vertical spacing is used to help respondents mentally categorize the information on the page and to aid in a neat, well-organized presentation.

BJS will use a multi-mode approach to collect CCF data, in which respondents are directed to the web as the primary mode of data collection. BJS uses a web collection to increase response rates, expedite the data collection process, simplify data verification, and facilitate report preparation. However, alternative modes of response will be available to respondents, to include, but not limited to hard copy questionnaires.

Through a Cooperative Agreement (Award No. 2017-R2-CX-K049), RTI International (hereafter referred to as RTI) will serve as the data collection agent. BJS plans to field the 2019 CCF from June through December 2019.

A. Justification

1. Necessity of Information Collection

Under Title 34, United States Code, Section 10132, BJS is directed to collect and analyze statistical information concerning the operation of the criminal justice system at the federal, state, and local levels (Attachment 1 – BJS Authorizing Statute). Core to this mission is collecting and analyzing data on populations and conditions of confinement at the prison facility level. The CCF is the only existing federal agency collection that provides state and federal prison facility-level data on population and facility characteristics. The CCF is designed to address issues of interest to researchers, policy makers, and prison administrators. The 2019 CCF is way overdue, and is needed to conduct comparisons with prior iterations to describe change over time.

Following an increase in the number of persons under the jurisdiction of state correctional authorities or the BOP from 1,525,900 in 2005 to a peak of 1,615,500 in 2009, the number fell to 1,506,800 by year-end 2016.¹ In 2016 there were 19,100 fewer prisoners than in 2005. While overall the adult prison population has declined since 2009, there have been variations across states and the BOP. Most jurisdictions have experienced declines in their prison populations, but others have experienced increased or relatively stable populations. Since 2005, there have been federal and state initiatives to address the increase in the number of persons being incarcerated, including the Justice Reinvestment Initiative (JRI) to reduce the number of persons in prison by diverting less serious offenders from prison to community-based alternatives, and individual state efforts that were designed to reduce recidivism through successful reentry.

Additionally, there have been national initiatives to address the needs of offenders with mental health problems, reform the use of restrictive housing, and reduce the required time to be served for prisoners who complete work, education, or vocational training programs. While the previous complete CCF (2005) was too early to capture the peak of incarceration in 2009, BJS can observe differences between 2005 and 2019. The CCF can be used to disaggregate the population decline, and determine whether some of these initiatives may have impacted prison closures; types of facilities, particularly contracted and community-based facilities, being utilized to house prisoners under state and BOP authorities; capacity within facilities; security-staffing levels; physical-security levels; custody-security levels; and programs offered by prisons. These changes can be evaluated at the federal, state, and facility level.

Additionally, the CCF can inform policy discussions on special populations, such as aging prisoners and veterans in prisons. In 2003, the median age of a state prisoner was 34 years, by 2013 the median age was 36. Between 2003 and 2013 there was a 12% increase in the number of state prisoners age 40 to 45 (from 359,700 in 2003 to 404,100 in 2013); for those 55 or older the increase was 126% (from 58,300 in 2003 to 131,500 in 2013).² The aging prison population requires more healthcare services and in some circumstances, specially designed housing. The 2019 CCF will again ask whether facilities have designated units for geriatric prisoners and whether facilities provided geriatric care. These two measures will allow BJS to better understand the extent to which the provision of geriatric care has changed since 2005. While the veteran population in prison has declined from 140,000 in 2004 to an estimated 181,500 in 2011-12³, imprisoned veterans continue to generate interest from veterans' groups and the public at

¹ Carson, EA. (2018) *Prisoners, 2016*. NCJ 251149

² Carson, EA and Sabol WJ. (2016) *Aging of the State Prison Population, 1993-2013*. NCJ 248766

³ Bronson, J., Carson, EA, Noonan, M & Berzofsky, M. (2015) *Veterans in Prison and Jails, 2011-12*. NCJ 249144

large. Several states have experimented with housing veterans together and found that they have fewer rule infractions. There has been increased interest in housing veterans together in an effort to better serve the populations' needs. To better understand the extent of the use of special units for veterans, the 2019 CCF includes a measure of whether a facility has a designated housing unit for veterans.

Additionally, the CCF is the only comprehensive, publicly-available source for identifying prison facility operators and the type (confinement or community-based) of facilities in which prisoners are being housed. Prisons are primarily operated by state authorities or the BOP, however the number of facilities operated under contract to state or BOP correctional authorities increased by 151 from 264 to 415 (57%) between midyear 2000 and year-end 2005⁴, accounting for the majority of the increase in the number of adult correctional facilities during this period. With the growing organizational complexity of correctional systems across the nation and the recent BOP policy to house more federal prisoners in contracted prisons, the CCF will be able to identify not only the current use of private prisons by various jurisdictions, but also change over time.

Lastly, and essential to the success of other BJS data collections, facility operator and type of facility (confinement or community-based), along with other information collected in the CCF (including sex of prisoners housed, physical-security level of the facility, and a one-day count of prisoners by sex) provide the universe from which facilities are sampled for BJS prisoner surveys. In recent years, the CCF data have been used to develop the sample for the congressionally-mandated National Inmate Survey (NIS) and the 2016 Survey of Prison Inmates (SPI).

2. Needs and Uses

Department of Justice Needs and Uses

As mentioned above, the CCF fits within the larger BJS portfolio of state and federal establishment data collections. BJS's National Prisoner Statistics (NPS-1B, OMB No. 1121-0102) prison population reports provides aggregated annual counts and movements of sentenced prisoners and the National Corrections Reporting Program (NCRP, OMB No. 1121-0065) provides individual-level data on offenses, sentence length, and the characteristics of persons admitted to, released from, or in the custody of state prisons. The BJS Federal Judicial Statistics Program (FJSP) collects data on all stages of the federal criminal justice system including individual-level data on federal offenders. While NPS-1B, NCRP, and FJSP describe prisoners and their characteristics at the system and individual level, the CCF allows examination of corrections at a facility level.

Historically, BJS has obtained data in the CCF which allows BJS to better understand facility operations and functions; capacity and crowding; security staffing; safety and security; and work release, education, and counseling programs. The 2019 CCF via forms CJ-43A (Attachment 2) and CJ-43B (Attachment 3) will include questions similar to that of past iterations of the CCF pertaining to facility and populations characteristics. BJS keeps questions consistent between

⁴ Stephan, JJ. (2008) *Census of State and Federal Correctional Facilities, 2005*. NCJ 222182

CCF iterations to allow for longitudinal trend analysis of facility and population characteristics. Only measures that have shown poor response or conceptual change are revised on the CCF.

The key measures included in the 2019 CCF which are consistent with past iterations of the census include –

- Facility counts by state by type (confinement and community-based), operator (public and private contractor), physical-security level, sex of prisoners housed, function, court orders or consent decrees levied against the facility, and rated or design capacity.
- Population counts to include a one-day count, and number of prisoners by sex and age, by race and Hispanic origin, by custody-security level of prisoners, by sentence length of more than a year, by U.S. citizenship status, and by those held in contract facilities and for other authorities.
- Number of security staff by sex and by race and Hispanic origin.
- Facility safety and security measures to include number of prisoner assaults on staff and on other prisoners, number of escapes and walkaways, number of infractions by prisoners, and number of facility disturbances.
- Facility program measures to include the number of facilities with work programs, number of facilities with work release programs, number of facilities with education and vocational training programs, and number of facilities by type of counseling/life skills programming.

BJS uses the data gathered through the administration of the 2019 CCF to disseminate information about correctional facilities to the public. Past reports using the CCF include (<https://www.bjs.gov/index.cfm?ty=dcdetail&iid=255>):

- Census of State and Federal Correctional Facilities, 2005
- Census of State and Federal Correctional Facilities, 2000
- Census of State and Federal Correctional Facilities, 1995
- Census of State and Federal Correctional Facilities, 1990
- Drug Enforcement and Treatment in Prisons, 1990
- Census of State and Federal Correctional Facilities, 1984
- Census of State and Federal Correctional Facilities, 1979

Lastly, the CCF provides critical information on state and federal adult correctional facilities to inform sampling for BJS prisoner surveys. These nationally-representative surveys provide a valuable resource from which BJS can produce a portrait of the prisoners held for state and federal authorities.

Uses of the CCF data by others

The information generated from the CCF is used by other federal officials; state officials in conjunction with prison administrators; researchers and planners to analyze the current trends and growth patterns; and the public. The CCF data are used for many purposes ranging from general summary statistics and national averages describing adult state and federal correctional facilities themselves, to more detailed examinations of topics such as inmate counts, security staff, facility operations, and prisoner assistance programs.

Some of the leading entities using this data collection include:

- U.S. Congress – to evaluate the adequacy of correction facilities to meet inmate needs and to assist the states and the BOP in protecting prisoners;
- International policymakers – to assess the efficacy of privately-operated correctional facilities⁵;
- National Institute of Corrections – to evaluate conditions of state and federal prisons, community corrections facilities, halfway houses, and group homes;
- U.S. Department of Justice, Civil Rights Division and Office of Legislative Policy – to understand conditions as they relate to civil rights and implementation of federal policies;
- State corrections officials and policymakers – to compare correctional facilities located in similarly-situated jurisdictions and to determine needs and budget requirements;
- Legal opinions at the state⁶, state appellate⁷, U.S. district⁸, and U.S. Supreme⁹ court levels of the judiciary;
- Researchers – to assess the impact of incarceration on crime, to compare conditions across facilities, and to evaluate the effectiveness of correctional and criminal justice policies¹⁰;
- Businesses and service providers – to determine the potential base populations to whom they can market their products and services; and
- The general public – to assess the impact of crime and criminal justice operations within their own jurisdictions¹¹.

The CCF data are a tremendous resource to researchers to assess the impact of incarceration on crime, to compare conditions across facilities, and to evaluate the effectiveness of correctional and criminal justice policies¹². The CCF data are available for download at no cost at the

⁵The privatisation of prisons and prison-related services: Report of the General Purpose Standing Committee of Parliament, New South Wales. 2009.

([http://www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/e368f47aee63f6ecca2575cc000da1e4/\\$FILE/090603%20final%20report%20version%203.pdf](http://www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/e368f47aee63f6ecca2575cc000da1e4/$FILE/090603%20final%20report%20version%203.pdf))

⁶See, for example, *Zappitelli v. Corrections Corporation of America*, Case No. 07CVC06-8311 (State of Ohio, Court of Common Pleas, Franklin County, 2010).

⁷See, for example, *Commonwealth v. Cole*, Record No. 1744-14-4 (Court of Appeals of Virginia, 2015).

⁸See, for example, *Coleman v. Schwarzenegger*, NO. CIV S-90-0520 LKK JFM P (United States District Court for the Northern District of California, 2009).

⁹See, for example, *Florence v. Board of Chosen Freeholders*, No. 10-945 (Supreme Court of the United States, 2012).

¹⁰See for example, Steiner, Benjamin & Wooldredge, John (2008). Comparing State- versus facility-level effects on crowding in U.S. correctional facilities. *Crime and Delinquency*, 54(2), 259-290. Williams, Brie A., MD, Sudore, Rebecca L., MD, Greifinger, Robert, MD, & Morrison, R. Sean, MD (2011). Balancing punishment and compassion for seriously ill prisoners. *Annals of Internal Medicine*, 155(2), 122-126. Worley, Robert M., Tewksbury, Richard, & Frantzen, Durant (2010). Preventing fatal attractions: Lessons learned from inmate boundary violators in a southern penitentiary system. *Criminal Justice Studies*, 23(4), 347-360.

¹¹BJS corrections unit staff receive numerous inquiries via ASKBJS, our online request system, and via phone. CCF data are used regularly to answer questions regarding the number and location of facilities, sex of inmates housed, prison programming, staff characteristics, and facility operations and security.

¹²See for example, Steiner, Benjamin & Wooldredge, John (2008). Comparing State- versus facility-level effects on crowding in U.S. correctional facilities. *Crime and Delinquency*, 54(2), 259-290. Williams, Brie A., MD, Sudore, Rebecca L., MD, Greifinger, Robert, MD, & Morrison, R. Sean, MD (2011). Balancing punishment and compassion for seriously ill prisoners. *Annals of Internal Medicine*, 155(2), 122-126. Worley, Robert M., Tewksbury, Richard, & Frantzen, Durant (2010). Preventing fatal attractions: Lessons learned from inmate boundary

National Archive of Criminal Justice Data (NACJD), where the data have been downloaded over 7,500 times, with more than 70 related publications^{13 14}. Attachments 4 and 5 provide lists of publications using the 2000 and 2005 CCF data, respectively.

2019 CCF Form Content

In addition to general information describing each prison facility, the 2019 CCF will also collect detailed information on prisoner counts, facility security staff, facility operations and security, and facility programs. The content of the 2019 CCF used the 2005 instrument as a starting point and some modifications were made based on data quality assessment, scoping interviews (OMB generic clearance No. 0607-0725), and cognitive testing¹⁵ (see Section B.4 for more information).

BJS first designed a single instrument that would collect data on confinement and community-based correctional facilities nationwide. Upon further consideration, and feedback from cognitive testing, it was determined that a shorter instrument (CJ-43B) would be administered to community-based correctional facilities, since not all questions in the longer form for confinement facilities (CJ43-A) are applicable to community-based facilities. The two instruments lead with the same two questions, which will determine the appropriate collection form for each facility. These questions include the functions and primary function of the facility, and the percentage of inmates permitted to leave the facility unaccompanied. If the respondent answers that community corrections/work release/prerelease is the primary function of the facility, or that the facility permits 50% or more of its inmates to leave unaccompanied, the facility is deemed a community-based correctional facility and will respond to the CJ-43B. If the respondent does not report community corrections/work release/prerelease as its primary function, and does not permit at 50% or more of its inmates to leave unaccompanied, the facility is deemed a confinement facility and will respond to the CJ-43A.

The 2019 CCF instrument for confinement facilities includes a total of 34 items that fall into five sections; facility characteristics, inmate counts, facility staff, facility operations and security, and facility programs. Consistent with the 2005 CCF, BJS plans to collect the following data on each confinement facility eligible for the census:

- Type of authority operating the facility
- Whether the facility is authorized to house males, females, or both males and females
- Physical-security level of the facility
- Functions of the facility (e.g., general confinement, community corrections, reception/diagnostic, medical treatment confinement)
- Whether or not the facility has a designated geriatric or hospice unit
- Percentage of prisoners regularly permitted to leave the facility unaccompanied
- Rated or design capacity of the facility

violators in a southern penitentiary system. *Criminal Justice Studies*, 23(4), 347-360.

¹³At the time of this writing, the 2000 CCF data have been downloaded 2,820 times, resulting in 51 related publications.

¹⁴At the time of this writing, the 2005 CCF data have been downloaded 4,763 times, resulting in 21 related publications.

¹⁵Cognitive testing was administered without OMB clearance as there were fewer than 10 respondents.

- Whether or not the facility operated under a state or federal court order or consent decree that limited the number of prisoners it could house
- Whether or not the facility operated under a state or federal court order or consent decree for specific conditions of confinement
- Year that state or federal court order or consent decree took effect
- Number of prisoners on the reference date
- Number of male and female prisoners under the age of 18 on the reference date
- Number of prisoners by racial category on the reference date
- Number of prisoners by custody-security level on the reference date
- Number of prisoners by maximum sentence length (more than 1 year and 1 year or less) on the reference date
- Number of prisoners who were non-U.S. citizens on the reference date
- Number of prisoners housed in protective custody, administrative segregation, segregated for disciplinary reasons, or other restrictive housing on the reference date
- Number of prisoners held for federal, state, local, and tribal authorities on the reference date
- Payroll and non-payroll, full-time and part-time staff, employed by the facility on the reference date
- Total number of payroll and non-payroll staff by sex on the reference date
- Number of male and female security staff employed by the facility on the reference date
- Number of security staff by racial category on the reference date
- Number of misconduct/disciplinary reports filed on prisoners over a one-year period
- Number of assaults against facility staff by prisoners reported over a one-year period
- Number of prisoner assaults by other prisoners reported over a one-year period
- Number of disturbances that occurred at the facility over a one-year period
- Number of escapes by prisoners that occurred at the facility over a one-year period
- Number of walkaways by prisoners that occurred at the facility over a one-year period
- Types of work assignments available to prisoners on the reference date
- Types of educational programs available to prisoners on the reference date
- Types of counseling or special programs available to prisoners on the reference date

In an effort to enhance BJS's ability to characterize the corrections system and populations it serves, the following items are being added to the 2019 CCF:

- Whether the facility is administratively linked (e.g., share budgets or staff) to other facilities and if they are, names of other facilities
- Whether or not the facility has a housing unit specifically designated for veterans
- Number of prisoners being held in restrictive housing on reference date
- Number of security staff on average at facility by day shift, night shift, and overnight shift
- Number of shared security staff with other administratively-linked facilities
- Number of prisoner assaults by other prisoners resulting in serious injury and without serious injury over a one-year period

As mentioned, the 2019 CCF instrument for community-based correctional facilities is a scaled-back version of the 2019 CCF form for confinement facilities. The community-based correctional facility CCF instrument will include 13 items that fall into four sections; facility characteristics, inmate counts, facility operations and security, and facility programs. The community-based correctional facility instrument will include –

- Functions of the facility (e.g., general confinement, community corrections, reception/diagnostic, medical treatment confinement)
- Percentage of prisoners regularly permitted to leave the facility unaccompanied
- Whether the facility is administratively linked to other facilities and if they are, names of other facilities
- Type of authority operating facility
- Whether the facility is authorized to house males, females, or both males and females
- Number of prisoners on the reference date
- Number of male and female prisoners under the age of 18 on the reference date
- Number of prisoners by racial category on the reference date
- Number of prisoners who were non-U.S. citizens on the reference date
- Number of prisoners held for federal, state, local, and tribal authorities on the reference date
- Number of walkaways by prisoners that occurred at the facility over a one-year period
- Types of educational programs available to prisoners on the reference date
- Types of counseling or special programs available to prisoners on the reference date

Based on high burden, low utilization, duplication of items collected in other BJS data collections, and/or low response rates in the 2005 CCF, the following items included in the 2005 CCF are being removed from the 2019 CCF:

- Year facility was constructed
- Plans to renovate or close the facility during the next three years
- Net effect of planned changes in terms of bed capacity of the facility
- Number of prisoners housed in a geriatric unit on the reference date
- Number of confined prisoners sentenced to death on the reference date
- Average daily population of male and female prisoners over a one-year period
- Per diem fees paid to the facility for housing for federal, state, or local authorities
- Number of male and female administrators, clerical and maintenance, educational, professional, and technical staff employed by the facility on the reference date
- Number of full-time and part-time payroll staff by racial category on the reference date
- Number of part-time security staff by racial category on the reference date
- Number of facility staff deaths resulting from assaults by prisoners for a one-year period
- Number of disturbances by type (major or other) that occurred at the facility over a one-year period
- Number of prisoners at the facility that had work assignments on the reference date
- Whether the facility operates a work release program, and if so, number of prisoners participating in the program on the reference date

3. Use of Information Technology

The 2019 CCF will be conducted as a web data collection. BJS's data collection agent, RTI, will send respondents a web address for the instrument along with username and password credentials to initiate their responses. The instrument will be developed using Voxco Online, a commercial off-the-shelf web survey solution that offers a wide variety of question types and

question-specific range checks, skip logic, piping, randomization, and cross-variable validations to maintain integrity and high reliability of the data. Validation, or data quality controls, will be programmed into the instrument, such as range checks, prompts for missing values, and some level of consistency checking across responses.

Respondents who are not able to respond via web or who prefer an alternate submission method will be able to respond on paper or through alternate electronic formats. Alternate electronic formats may include providing a data file (e.g., Microsoft Excel CSV [comma-separated values], or XML [Extensible Markup Language]).

Respondents may also prefer to provide a scanned version of a paper response or a PDF with values filled electronically. Electronic files such as scans or PDFs will have to be manually entered by the project team (i.e., logging into the data collection system on behalf of the respondent and entering data). Blank PDF versions of the CJ-43A and CJ-43B form will be available to download from the CCF website for reference or completion by hand. Before downloading the PDF, respondents will be asked to respond via the web to the first three questions of the CCF in order to determine whether the respondent should download the community-based or confinement facility form. Respondents can then complete the census in hard copy and transcribe it to the web instrument, or scan and return the completed form via mail or e-mail.

RTI will also develop a corresponding survey management system (SMS), which will track cases. Data from Voxco will be synchronized to this SMS system at a regular periodicity, but will not be available in real time. Through the SMS, an agency-level point of contact (POC) will also be able to identify facility-level respondents when someone other than the POC should fill out the questionnaire. Respondents will be invited to log into the SMS to access facility-level questionnaires. RTI will use the SMS to track case status and as the basis for follow-up communications with respondents. The SMS will also allow RTI to access submitted data for the purposes of data quality follow-up contacts to the agency, and for statistical analysis. The tracking utility allows for data quality review soon after questionnaires are submitted and removes the facility from future non-response contact attempts.

4. Efforts to Identify Duplication

The CCF provides nationwide comprehensive information on state and BOP adult correctional facilities. Facility-level data obtained through the CCF is not attainable from any other Federal government agency.

The National Institute of Justice (NIJ) recently submitted for OMB review a data collection on contraband found in correctional facilities to be administered to a sample of state prisons and local jails. This survey focuses predominantly on contraband seizures and detection techniques, but its goal is not to produce national estimates of these measures, but rather to obtain a range of contraband types. The NIJ prison instrument includes a number of data elements that overlap

with the CCF. BJS worked with NIJ to de-duplicate our efforts. As of this package submission, NIJ is reassessing their collection.

BJS conducted a search of the National Archive of Criminal Justice Data (NACJD) to identify any publicly available data collections with information on individual correctional facilities. NACJD, which is sponsored by the research and grant-making bureaus in the Office of Justice Programs (BJS, NIJ, the Office of Juvenile Justice and Delinquency Prevention, and the Bureau of Justice Assistance), has a stated mission “to facilitate research in criminal justice and criminology, through the preservation, enhancement, and sharing of computerized data resources; through the production of original research based on archived data; and through specialized training workshops in quantitative analysis of crime and justice data.” NACJD maintains nearly 2,000 publicly-available criminal justice-related data collections and citations for more than 17,000 books, articles, conference proceedings, and other publications derived from these data collections. The search revealed no duplication with the CCF form or its scope.

BJS identified two non-federal data sources that provide similar facility-level data however, neither are current, free, nor accessible for public use.

Directory of state and federal prison facilities

Historically, the American Correctional Association (ACA) has maintained and published a periodic directory of state and federal prison facilities. The 2013 Directory of Adult and Juvenile Correctional Departments is the most recent published directory. The directory provides facility names and contact information for wardens and administrators, and other information such as operating budgets, populations by gender and race, programs and services, and personnel. The information published is not current, nor does it match the level of detail of information collected by BJS on items such as inmate characteristics, court orders and consent decrees, and facility operations and security. Additionally, the directory is not free to the public and is not available electronically for analytic use.

Performance Based Measures System

The Association of State Correctional Administrators (ASCA) began conducting a state prison data collection called the Performance Based Measures System (PBMS; http://www.asca.net/system/assets/attachments/8847/PBMS%20KeyIndicators%20%208_11_15.pdf?1440079069) in the 1990s. This collection requested states to submit more than 130 core elements over nine correctional areas on a monthly basis. Many data elements collected overlapped with those collected in the CCF, including some pertaining to facility and inmate characteristics, staffing, public and institutional safety, and academic education. While the PBMS was highly duplicative of the CCF, the PBMS cannot serve as a substitute for a number of reasons: (1) data were not collected from the federal BOP; (2) as of June 2016, only 24 states provided PBMS with more than 50% of the core elements on a monthly basis, and neither California nor Florida, states

with the second and third largest prison populations, respectively, participate in PBMS; (3) data are not publicly available; and (4) ASCA abandoned the PBMS in 2017, and there are no plans to reinstate it in the future.

5. Minimizing Burden

In preparation for the administration of the 2019 CCF, BJS conducted a data quality assessment of the 2005 CCF, scoping interviews to address concepts and questions included in the 2005 CCF, and a cognitive test of the revised 2019 CCF questionnaire. All three activities were conducted in an effort to refine the CCF instrument to a set of key measures and minimize response burden. As a result of the data quality assessment, items with high nonresponse rates were flagged and some items were deleted. Based on feedback received from scoping interviews and cognitive testing, the final 2019 CCF forms feature questions that have been modified to increase clarity and, where needed, improve response options.

In an effort to reduce burden, BJS will implement several procedures, as noted below--

- a) The web version of the CCF form, which BJS expects the majority of respondents to use, will ease reporting by including programmed logic to (i) automatically direct the respondent to the appropriate questions, after three questions are asked to determine whether the facility is confinement or community-based, (ii) automatically direct the respondent to only applicable items, and (iii) ensure consistency across responses, thus reducing the need for follow-up.
- b) An intelligent log-in program will be utilized for data collection, which stores information and responses, thus allowing for multi-session completion of the census instrument (i.e., it will allow respondents to stop and restart pending confirmation of information from others in the agency).
- c) Whenever possible, central data sources will be used to further reduce respondent burden. The data collection protocol, in part, will plan for questionnaire dissemination to single state and BOP points of contact (POCs), but will allow each POC to designate facility-level respondents when deemed necessary.
- d) The project staff will be available during regular business hours (Eastern Time) to assist respondents via phone or email. When staff are not available, calls will be routed to voicemail; both email and voicemail inquiries received will be responded to within 24 hours. A dedicated CCF inquiry email address will be provided to respondents with all written materials and emails. Phone numbers and email addresses for the CCF's principal investigator will be provided to respondents to ensure timely communications.

6. Consequences of Less Frequent Collection

The CCF had been conducted every 5-7 years to provide a complete name and address listing of the nation's state and federal adult correctional facilities and to provide characteristics of both facilities and prisoners. Additionally, this census has provided the sampling frame for BJS's inmate surveys to include the NIS and SPI. Without the sampling frame, BJS could not apply statistical methodologies to accurately field these surveys.

The last iteration of the CCF was conducted in 2012 to provide a frame from which a sample of facilities could be drawn for BJS's 2016 SPI. However, the 2012 CCF only collected limited items necessary for survey sampling. By the time the 2019 CCF will be fielded, there will be a 14 year gap in the administration of the full census. The 2019 census is critical to assess the extent to which facility characteristics and populations have changed since 2005, and to provide a benchmark for future iterations of the CCF.

7. Special Circumstances Influencing Collection

No special circumstances have been identified for this project.

8. Federal Register Publication and Outside Consultation

The CCF is consistent with the guidelines in 5 CFR 1320.6. The 60-day notice for public commentary were published in the Federal Register, Volume 83, Number 238, page 63909-63911, on December 12, 2018, (Attachment 6). The 30-day notice for public commentary was published in the Federal Register on April 3, 2019 (Attachment 7).

60-day Federal Register comments

BJS received two comments to the 60-day Federal Register notice for the CCF, from a criminal justice reform advocate and a Postdoctoral Fellow at American University and Faculty affiliate with the Center for Advancing Correctional Excellence at George Mason University. These letters are included in Attachment 8.

One commenter provided numerous comments related to specific questions in the CCF. An overarching theme to this commenter's suggestions was to obtain counts by race for a number of the question included in the CCF intended to obtain aggregate counts. The commenter also suggested retaining a few of the proposed deleted items, modifying the age category for which we obtain aggregate counts from "under age 18" to "18 years old and under," and adding a few new items. While BJS understands the interest in these data, we have decided to not incorporate this commenter's suggestions for a number of reasons:

- the questionable reliability of race data in a facility-level data collection,
- the goal of the CCF is to describe characteristics of facilities rather than the characteristics of the individuals held within the facility,
- the high item nonresponse rates of some items in previous iterations of the CCF,
- counts by age are intended to obtain a snapshot of the number of minors (those under age 18) being held in prison, not to capture those who may have been younger than 18 when arrested and are now 18 years of age,
- some items suggested are better suited for a system-level data collection, as opposed to a facility-level collection, and
- burden on respondents.

A second commenter suggested that we reinstate a question on the number of prisoners who committed suicide. Prior to 2005, BJS collected counts of those persons who died by cause in the CCF. With the passage of the Deaths in Custody Reporting Act of 2000, BJS began to collect individual level data on deaths in prisons, to include cause of death, in a separate data collection (Mortality in Correctional Institutions, formerly known as Deaths in Custody Reporting Program; OMB No. 1121-0094). In an effort to minimize burden on respondents, BJS decided to remove the death question from the 2005 CCF.

Other outside consultation

BJS has consulted with state departments of corrections (DOC) staff and researchers and used external resources to improve measurement and data collection. Using the 2005 CCF, BJS conducted scoping interviews with planning and research staff at 18 state DOCs to explore respondents' understanding of the topics, determine data availability, understand the vocabulary used by respondents, and explore questionnaire process issues. Through a cognitive test of the revised 2005 CCF, with a focus on newly added items and definitions, BJS received feedback on clarity and availability of information being requested, from not only DOC research and planning staff, but also from staff at privately-operated facilities holding inmates primarily for the DOC.

BJS reviewed the ASCA PBMS collection documentation to inform and improve upon measures collected in the CCF. Additionally, BJS presented plans for the upcoming CCF with ASCA members at a meeting during the American Correctional Association's 148th Congress of Correction in August, 2018. BJS also made materials announcing BJS's intent to administer the 2019 CCF at midyear 2019 available to conference attendees. Both the presentation and flyer were attempts to solicit direct input on the CCF during the design phase of the project.

9. Paying Respondents

Neither BJS nor RTI will provide any payment or gift of any type to respondents. Respondents will participate on a voluntary basis.

10. Assurance of Confidentiality

According to 34 U.S.C. § 10134, the information gathered in this data collection shall be used only for statistical or research purposes, and shall be gathered in a manner that precludes their use for law enforcement or any purpose relating to a private person or public agency other than statistical or research purposes. The data collected through the CCF represent facility and population characteristics of correctional facilities administered by state DOCs or BOP or by privately-contracted organizations primarily for state authorities or BOP. Information collected is considered within the public domain. No individually identifiable information is collected. Population counts obtained are in the aggregate, which severely limits the potential for the information to be used to identify an individual. BJS does not archive or otherwise release the names, telephone numbers, or email addresses of the persons responsible for completing the questionnaire.

11. Justification for Sensitive Questions

There are no questions of a sensitive nature in the 2019 CCF.

12. Estimate of Respondent Burden

Based on input received from participants in scoping interviews and cognitive testing, BJS has estimated the respondent burden for the 2019 CCF at 4,413 hours. The 2019 CCF burden estimate was calculated using an estimated 2 hours and 45 minutes per confinement facility form and 45 minutes per community-based correctional facility form for the approximately 1,400 confinement correctional facilities and 600 community-based correctional facilities. The 4,413 burden hours includes 4,300 hours for reviewing instructions, searching existing data sources, gathering necessary data, completing and reviewing this form, and an additional 113 burden hours for data quality follow up for an estimated 301 reporting units (15 minutes for 250 individual reporters and 60 minutes for 51 central reporters).

13. Estimate of Respondent's Cost Burden

Respondents will incur costs associated with their time to respond. Annual cost to the respondents is based on the number of hours involved in obtaining information from an existing data base. There are no anticipated costs to respondents beyond the employee time expended during completion of the questionnaire. Assuming a pay rate approximately equivalent to the GS-12 / 01 level (\$73,375 per year), the estimated cost of employee time would be \$35.28 per hour. Based on the estimated time burden per facility response and employee pay rate, the respondent employee time cost burden to complete the CCF is estimated at \$155,691(\$35.28 x 4,413 hours).

14. Cost to the Federal Government

The total estimated cost to the government for this collection is \$756,177 expended over FY2018 through FY2020. This includes \$258,172 of BJS costs associated with leading the design, implementation, and management of the 2019 CCF. These costs also include analysis and dissemination of the finding. Costs of the data collection agent are estimated at \$498,005. See below for more details:

\$498,005 – RTI International

Labor for project management, questionnaire development, data collection, data processing, data analysis and dissemination, travel, and other direct costs, fringe benefits and other indirect costs.

\$258,172 - Bureau of Justice Statistics

GS-14, Statistician (35% per year x 3 years) (\$120,000)

GS-15, Supervisory Statistician (5% per year x 3 years) (\$20,000)
 GS-15, Chief Editor/Supervisory Statistician (2% x 1 year), (\$2,700)
 GS-13, Editor (5% x 1 year) (\$4,800)
 GS-12, Designer (2% x 1 year) (\$1,600)
 GS-14, Information Technologist (2% x 1 year) (\$2,300)
 GS-14, Information Technology Specialist (5% x 1 year) (\$5,700)
 GS-9, Information Specialist (2% x 1 year) (\$1,100)
 Senior BJS Management (\$5,200)
 Subtotal salaries (\$163,400)
 Fringe benefits (@28% of salaries - \$45,752)
 Other administrative costs (@30%% - \$49,020)

15. Reason for Change in Burden

The total estimated time burden of the 2019 CCF is 4,413 hours. This is down 687 hours from the 2005 CCF, which was the last full census conducted by BJS. While there has been an increase in the estimated number of facilities in scope for the collection from 1,700 in 2005 to 2,000 in 2019, there is a reduction in burden. This change is attributed to the implementation of a short form for the estimated 600 community-based facilities and the decrease in the number of questions being asked in the longer confinement facility form. Additionally, the estimated burden hours for the 2019 CCF is an increase from the 550 burden hours estimate for the 2012 CCF. This increase is due to the fact that the 2012 CCF was a modified collection in which only 10 data elements were collected.

16. Project Schedule and Publication Plan

Project schedule

Task	Start	End
Data collection	June 2019	December 2019
Notification of impending due dates, nonresponse follow-up, thank you letters	June 2019	December 2019
Verification, final callbacks, and data cleaning	June 2019	February 2019
Analysis	February 2020	April 2020
Report writing	March 2020	May 2020
Press release and final report released	August 2020	August 2020
Submit archive ready data file and supporting documents	September 2020	September 2020

For details on the project schedule, see B.2.

Information dissemination of the CCF

BJS plans to release a summary report “*Census of State and Federal Correctional Facilities, 2019.*” This report will provide readers with general information on the characteristics of state and BOP correctional facilities, including characteristics of facilities by type, size, security level, capacity, facility function, court orders, use of private contractors, and facility programs.

Additionally, the report will include aggregate counts of the population being held in these facilities, by selected characteristics. The final summary report will be provided to the public on the BJS website. In most cases, BJS will publish facility data aggregated to the jurisdiction level.

The dataset, and supporting documentation, will be archived at the National Archive of Criminal Justice Data (NACJD) at the Inter-University Consortium for Political and Social Research (ICPSR). These data will be available to the public to download at no charge. Access to these data permits analysts to identify the specific responses of individual facilities and to conduct their own statistical analyses.

17. Expiration Date Approval

The OMB Control Number and the expiration date will be shown on the forms and appear on the first screen of the web version.

18. Exception to the Certificate Statement

There are no exceptions to the Certification Statement. The collection is consistent with the guidelines in 5 CFR 1320.9.