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**Appendix A**

**The Omnibus Crime Control and Safe Street Act of 1968**

DERIVATION

Title I

THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968  
(Public Law 90-351)

42 U.S.C. § 3711, *et seq.*

*AN ACT to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.*

As Amended By

THE OMNIBUS CRIME CONTROL ACT OF 1970  
(Public Law 91-644)

THE CRIME CONTROL ACT OF 1973  
(Public Law 93-83)

THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974  
(Public Law 93-415)

THE PUBLIC SAFETY OFFICERS' BENEFITS ACT OF 1976  
(Public Law 94-430)

THE CRIME CONTROL ACT OF 1976  
(Public Law 94-503)

THE JUSTICE SYSTEM IMPROVEMENT ACT OF 1979  
(Public Law 96-157)

THE JUSTICE ASSISTANCE ACT OF 1984  
(Public Law 98-473)

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE ACT OF 1986  
(Public Law 99-570-Subtitle K)

THE ANTI-DRUG ABUSE ACT OF 1988  
TITLE VI, SUBTITLE C - STATE AND LOCAL NARCOTICS CONTROL  
AND JUSTICE ASSISTANCE IMPROVEMENTS  
(Public Law 100-690)

THE CRIME CONTROL ACT OF 1990  
(Public Law 101-647)

BRADY HANDGUN VIOLENCE PROTECTION ACT  
(Public Law 103-159)

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994  
(Public Law 103-322)

NATIONAL CHILD PROTECTION ACT OF 1993, AS AMENDED  
(Public Law 103-209)

and

CRIME IDENTIFICATION TECHNOLOGY ACT OF 1998  
(Public Law 105-251)

**BUREAU OF JUSTICE STATISTICS**  
**CHAPTER 46 - SUBCHAPTER III**  
**[TITLE I - PART C]**

*42 USC § 3731* [Sec. 301.] **Statement of purpose**

It is the purpose of this subchapter [part] to provide for and encourage the collection and analysis of statistical information concerning crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system and to support the development of information and statistical systems at the Federal, State, and local levels to improve the efforts of these levels of government to measure and understand the levels of crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system. The Bureau shall utilize to the maximum extent feasible State governmental organizations and facilities responsible for the collection and analysis of criminal justice data and statistics. In carrying out the provisions of this subchapter [part], the Bureau shall give primary emphasis to the problems of State and local justice systems.

*42 USC § 3732* [Sec. 302.] **Bureau of Justice Statistics**

(a) Establishment. There is established within the Department of Justice, under the general authority of the Attorney General, a Bureau of Justice Statistics (hereinafter referred to in this subchapter [part] as “Bureau”).

(b) Appointment of Director; experience; authority; restrictions. The Bureau shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate. The Director shall have had experience in statistical programs. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Bureau. The Director shall report to the Attorney General through the Assistant Attorney General. The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this Act.

(c) Duties and functions of Bureau. The Bureau is authorized to—

(1) make grants to, or enter into cooperative agreements or contracts with public agencies, institutions of higher education, private organizations, or private individuals for purposes related to this subchapter [part]; grants shall be made subject to continuing compliance with standards for gathering justice statistics set forth in rules and regulations promulgated by the Director;

(2) collect and analyze information concerning criminal victimization, including crimes against the elderly, and civil disputes;

(3) collect and analyze data that will serve as a continuous and comparable national social indication of the prevalence, incidence, rates, extent, distribution, and attributes of crime, juvenile delinquency, civil disputes, and other statistical factors related to crime, civil disputes, and juvenile delinquency, in support of national, State, and local justice policy and decision making;

(4) collect and analyze statistical information, concerning the operations of the criminal justice system at the Federal, State, and local levels;

(5) collect and analyze statistical information concerning the prevalence, incidence, rates, extent, distribution, and attributes of crime, and juvenile delinquency, at the Federal, State, and local levels;

(6) analyze the correlates of crime, civil disputes and juvenile delinquency, by the use of statistical information, about criminal and civil justice systems at the Federal, State, and local levels, and about the extent, distribution and attributes of crime, and juvenile delinquency, in the Nation and at the Federal, State, and local levels;

(7) compile, collate, analyze, publish, and disseminate uniform national statistics concerning all aspects of criminal justice and related aspects of civil justice, crime, including crimes against the elderly, juvenile delinquency, criminal offenders, juvenile delinquents, and civil disputes in the various States;

(8) recommend national standards for justice statistics and for insuring the reliability and validity of justice statistics supplied pursuant to this chapter [title];

(9) maintain liaison with the judicial branches of the Federal and State Governments in matters relating to justice statistics, and cooperate with the judicial branch in assuring as much uniformity as feasible in statistical systems of the executive and judicial branches;

(10) provide information to the President, the Congress, the judiciary, State and local governments, and the general public on justice statistics;

(11) establish or assist in the establishment of a system to provide State and local governments with access to Federal informational resources useful in the planning, implementation, and evaluation of programs under this Act;

(12) conduct or support research relating to methods of gathering or analyzing justice statistics;

(13) provide for the development of justice information systems programs and assistance to the States and units of local government relating to collection, analysis, or dissemination of justice statistics;

(14) develop and maintain a data processing capability to support the collection, aggregation, analysis and dissemination of information on the incidence of crime and the operation of the criminal justice system;

(15) collect, analyze and disseminate comprehensive Federal justice transaction statistics (including statistics on issues of Federal justice interest such as public fraud and high technology crime) and to provide technical assistance to and work jointly with other Federal agencies to improve the availability and quality of Federal justice data;

(16) provide for the collection, compilation, analysis, publication and dissemination of information and statistics about the prevalence, incidence, rates, extent, distribution and attributes of drug offenses, drug related offenses and drug dependent offenders and further provide for the establishment of a national clearinghouse to maintain and update a comprehensive and timely data base on all criminal justice aspects of the drug crisis and to disseminate such information;

(17) provide for the collection, analysis, dissemination and publication of statistics on the condition and progress of drug control activities at the Federal, State and local levels with particular attention to programs and intervention efforts demonstrated to be of value in the overall national anti- drug strategy and to provide for the establishment of a national clearinghouse for the gathering of data generated by Federal, State, and local criminal justice agencies on their drug enforcement activities;

(18) provide for the development and enhancement of State and local criminal justice information systems, and the standardization of data reporting relating to the collection, analysis or dissemination of data and statistics about drug offenses, drug related offenses, or drug dependent offenders;

(19) provide for research and improvements in the accuracy, completeness, and inclusiveness of criminal history record information, information systems, arrest warrant, and stolen vehicle record information and information systems and support research concerning the accuracy, completeness, and inclusiveness of other criminal justice record information;

(20) maintain liaison with State and local governments and governments of other nations concerning justice statistics;

(21) cooperate in and participate with national and international organizations in the development of uniform justice statistics;

(22) ensure conformance with security and privacy requirement of section 3789g of this title and identify, analyze, and participate in the development and implementation of privacy, security and information policies which impact on Federal and State criminal justice operations and related statistical activities; and

(23) exercise the powers and functions set out in subchapter VIII [part H] of this chapter [title].

(d) Justice statistical collection, analysis, and dissemination. To insure that all justice statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Director is authorized to—

(1) utilize, with their consent, the services, equipment, records, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefore, and to enter into agreements with such agencies and instrumentalities for purposes of data collection and analysis;

(2) confer and cooperate with State, municipal, and other local agencies;

(3) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this chapter [title];

(4) seek the cooperation of the judicial branch of the Federal Government in gathering data from criminal justice records; and

(5) encourage replication, coordination and sharing among justice agencies regarding information systems, information policy, and data.

(e) Furnishing of information, data, or reports by Federal agencies. Federal agencies requested to furnish information, data, or reports pursuant to subsection (d)(3) of this section shall provide such information to the Bureau as is required to carry out the purposes of this section.

(f) Consultation with representatives of State and local government and judiciary. In recommending standards for gathering justice statistics under this section, the Director shall consult with representatives of State and local government, including, where appropriate, representatives of the judiciary.

*42 USC § 3733* **[Sec. 303.] Authority for 100 per centum grants**

A grant authorized under this subchapter [part] may be up to 100 per centum of the total cost of each project for which such grant is made. The Bureau shall require, whenever feasible as a condition of approval of a grant under this subchapter [part], that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

*42 USC § 3735* **[Sec. 304.] Use of data**

Data collected by the Bureau 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 particular individual other than statistical or research purposes.

## **Appendix B**

### **List of publications using NCRP data, 2015-2018**

1. Austin, James, Eisen, Lauren-Brooke, Cullen, James, Frank, Jonathan (2016) How Many Americans are Unnecessarily Incarcerated? Brennan Center for Justice. New York, NY: Brennan Center for Justice at New York University School of Law.
2. Austin, James, Eisen, Lauren-Brooke. (2016) How many Americans are unnecessarily incarcerated? Brennan Center for Justice at New York University School of Law.  
[http://www.antonioacasella.eu/nume/Austin\\_Eisen\\_2016.pdf](http://www.antonioacasella.eu/nume/Austin_Eisen_2016.pdf).
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<http://scholarworks.uark.edu/cgi/viewcontent.cgi?article=1002&context=sociuht>.
4. Beckett, Katherine, Knaphus, Emily, Resoti, Anna. (2016) The end of mass incarceration? Mapping the contradictions of criminal justice policy and practice. SSRN, <https://ssrn.com/abstract=2714615>.
5. Bjerk, David J., Helland, Eric. (2017) Using a ratio test to estimate racial differences in wrongful conviction rates, IZA Discussion Papers, No. 10631, Institute for the Study of Labor (IZA), Bonn.  
<https://www.econstor.eu/bitstream/10419/161254/1/dp10631.pdf>.
6. Boppre, Breanna, Harmon, Mark G. (2017) The unintended consequences of sentencing reforms: using social chain theory to examine racial disparities in female imprisonment. *Journal of Ethnicity in Criminal Justice* 15(4):394-423.
7. Bradley, Mindy S., Engen, Rodney L. (2016) Leaving prison: A multilevel investigation of racial, ethnic, and gender disproportionality in correctional release. *Crime and Delinquency* 62(2): 253-279.  
<http://journals.sagepub.com/doi/pdf/10.1177/0011128714557023>.
8. Campbell, W., Kling R., Lewenstein, A., Gaes, G. (2018) Interstate Heterogeneity in Neighborhood Correlates of Imprisonment: An Examination of Last Known Addresses for Prisoners across the U.S. Presentation at the Academy of Criminal Justice Sciences Annual Conference. February 15, 2018.
9. Cutler, C., Shively, M., Kling, R. (2017) Exploring Cross-State Differences in Sex Offender Recidivism Using Longitudinal Data from the National Corrections Reporting Program. BJS Working Paper Series (under review).
10. Durante, Katherine A. (2017) Racial and ethnic disparities in prison admissions across counties: An evaluation of racial/ethnic threat, socioeconomic inequality, and political climate explanations. *Race and Justice*, <http://journals.sagepub.com/doi/pdf/10.1177/2153368717738038>.
11. Evan, William N., Garthwaite, Craig, Moore, Timothy J. (2016) The white/black educational gap, stalled progress, and the long-term consequences of the emergence of crack cocaine markets. *The Review of Economics and Statistics*, 98(5): 832-847.  
[https://www.mitpressjournals.org/doi/pdfplus/10.1162/REST\\_a\\_00635](https://www.mitpressjournals.org/doi/pdfplus/10.1162/REST_a_00635).
12. Gaes, G, Luallen, J., Rhodes W., Edgerton, J (2016) Classifying Prisoner Returns: A Research Note. *Justice Research and Policy*. Vol 17, pp. 48-70. <https://doi.org/10.1177/1525107116675322>.
13. Glaston, William A., McElvein, Elizabeth H. (2016) Framing the debate on criminal justice reform: What citizens and policymakers should know. Governance Studies at the Brookings Institution, <https://www.brookings.edu/wp-content/uploads/2016/07/Criminal-Justice-Statistics-1.pdf>.
14. Harmon, Mark G., Boppre, Breanna. (2016) Women of color and the war on crime: an explanation for the rise in Black female imprisonment. *Journal of Ethnicity in Criminal Justice*.
15. Helms, Ronald, Costanza, S.E., Gutierrez, Ricky S. (2016) Social inequality and county-level correlates of state prison releases and releases from community supervision. *International Journal of Social*



- Science Research 4(1): 167-194.  
<http://www.macrothink.org/journal/index.php/ijssr/article/viewFile/8215/7445>.
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  17. Kling, R., Radakrishnan, S. (2017) Returns to State Prison in Light of Ban the Box Policies. Presentation at the Association for Public Policy Analysis & Management Annual Meeting, November 4, 2017.
  18. Luallen, J. & Cutler C. (2015) Exploring the link between the baby boom and aging prisoners. Atlas of Science. <http://atlasofscience.org/exploring-the-link-between-the-baby-boom-and-aging-prisoners/>.
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  21. Luallen, J., Gaes G., Cutler, C. (2018) Estimating Prison Stays Among Current Prison Populations. Criminal Justice Review. In press.
  22. Luallen, Jeremy & Christopher Cutler (2015) The Growth of Older Inmate Populations: How Population Aging Explains Rising Age at Admission. The Journals of Gerontology: Series B, Volume 72, Issue 5, 1 September 2017, Pages 888–900, <https://doi.org/10.1093/geronb/gbv069>.
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  24. Luallen, Jeremy, Kling, Ryan (2014) A method of analyzing changing prison populations: Explaining the growth of the elderly in prison. Evaluation Review. 68, (6), 459-486. <https://doi.org/10.1177/0193841X14541657>.
  25. Mechoulan, Stephane, Sahuguet, Nicholas. (2015) Assessing racial disparities in parole release. The Journal of Legal Studies, 44(1): 39-74. <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.820.9511&rep=rep1&type=pdf>.
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<http://journals.sagepub.com/doi/pdf/10.1177/1525107115587902>.
31. Oliver, Pamela. (2016) Trends in Wisconsin imprisonment 2000-2014: Net growth by offense group and admission types. OSF.IO working paper, <https://osf.io/preprints/socarxiv/f69vy>.
32. Oliver, Pamela. (2018) Education and poverty as factors in white and black rural and urban prison admission rates. OSF.IO working paper, <https://osf.io/preprints/socarxiv/xzq7w/>.
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39. Rhodes, W., Gaes, G., Cutler, C., Luallen, J., Kling, R., Rich, T., Shively, M. (2017) Studying Recidivism Using the National Corrections Reporting Program. Draft BJS Sponsored Research Working Paper.
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48. Wildeman, Christopher, Carson, E. Ann, Golinelli, Daniela, Noonan, Margaret E., Emanuel, Natalia. (2016) Mortality among white, black, and Hispanic male and female state prisoners, 2001-2009. *SSM-Population Health* 2:10-13.
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51. Williams, Geoffrey, Bartley, William A. (2016) The Role of Gun Supply in 1980s and 1990s Urban Violence. 2016 American Economic Association Annual Meeting. San Francisco, CA.
52. Yang, Crystal S. (2016) Local labor markets and criminal recidivism. *Journal of Public Economics*. [http://scholar.harvard.edu/files/cyang/files/labor\\_recidivism\\_may2016.pdf](http://scholar.harvard.edu/files/cyang/files/labor_recidivism_may2016.pdf).
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## **Appendix C**

**Comments in response to the 60-day and 30-day Federal Register Notices**

September 7, 2018

E. Ann Carson, PhD  
Acting Chief, Corrections Unit  
Bureau of Justice Statistics  
U.S. Department of Justice  
810 Seventh Street NW  
Washington, DC 20531

**Re: 83 FR 31778, Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection: National Corrections Reporting Program**

Dear Dr. Carson:

I am writing on behalf of the Vera Institute of Justice (Vera) to comment on proposed changes to a Bureau of Justice Statistics (BJS) data collection critical to the field of criminal justice: the National Corrections Reporting Program (NCRP). NCRP provides criminal justice practitioners and researchers with key data—unavailable from other sources—on the flow of individuals through correctional systems. While we appreciate the need to revisit data collection activities periodically to ensure they are meeting the needs of the field, Vera urges the Department of Justice not to pursue the proposed changes to NCRP.

Vera's mission is to drive change and to urgently build and improve justice systems that ensure fairness, promote safety, and strengthen communities. Research stands central to our organization's mission and daily operations, and we maintain robust collaborations with many other organizations, corrections and law enforcement agencies, individual researchers, and those directly affected by the criminal justice system. From our work with these partners on the full range of key criminal justice issues of the day, we are confident in saying that it would be detrimental to the field at-large and to justice-involved individuals to remove existing items from the NCRP data collection and add others related to citizenship and national origin.

**We believe that there is substantial research value in continued collection of the variables proposed for elimination.<sup>1</sup>**

The stated criteria for variable removal is less than 50 percent of states reporting and/or more than 30 percent missing data for states that do report. Based on the 2014 NCRP data, one variable proposed for deletion, "Agencies assuming custody at the time of prison release", does not meet this criteria. Fifty-four percent of states reported this variable, and in these states, data were 77 percent complete.

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<sup>1</sup> Summary statistics for the variables that are proposed to be removed, based on the 2014 NCRP data, are listed as an enclosure.

While all but one of the variables that are proposed for removal meet the stated criteria for removal, the removal criteria are arbitrary, and we believe there is still substantial research value in these variables for the states that do report them adequately. For example, for ten of the 12 states that reported “Prior prison time served,” data was greater than 80 percent complete, with eight states over 90 percent. Important criminological research can be conducted using a cohort of this size.

In addition, there is reason to believe that reporting will increase over time. If we examine just 2014 prison admissions, states that reported whether there was a mandatory minimum sentence (13 states) or truth in sentencing statute applicable (14 states) reported these variables at a rate of 99 percent. As more attention is focused on sentencing reform, more states are likely to track shifts in the use of such statutes, which will be invaluable in determining the effects of such reforms.

**Adding questionnaire items about citizenship and national origin would be unlikely to yield accurate data useful for criminal justice research, policy, and practice and may run counter to other stated goals of BJS.**

The affected public (i.e., state departments of corrections (DOCs) and participating parole boards) are unlikely to provide reliable data in response to the citizenship and national origin questions proposed for inclusion in the NCRP collection. BJS has noted that a number of jurisdictions only report data on the national origin of incarcerated people; as nearly half of foreign-born U.S. residents are naturalized citizens, data on their country of birth is essentially useless in comparing U.S. citizens and non-citizens. Additionally, BJS has reported that most state DOCs obtain citizenship data by self-report of individuals at admission and that few jurisdictions seek verification from other sources. The agency has cast doubt on the quality of such data. Finally, we believe some states—including California, which has very large prison and immigrant populations compared to other states—are likely to decline responding to these new items, as they currently decline responding to similar questions for BJS’s National Prisoner Statistics Program.

This last point also raises a strong possibility that BJS would not meet certain other goals outlined in the Federal Register notice or its own criteria for including items in the NCRP on citizenship and national origin. The Federal Register notice states that BJS intends to increase participation and data completeness in NCRP; however, we believe that states, particularly California, will not respond to these added items. This also raises a strong possibility of the new items not meeting criteria established in BJS’s December 2017 clearance request for including new NCRP items on citizenship and national origin. These criteria include strong standards for response rate and reliability. Questions about California’s participation and reporting on these items, as well as issues about reliability outlined above, raise serious concerns that BJS’s own criteria for the inclusion of these items cannot be met.

Again, we appreciate the need to revisit agency data collection and reporting activities, to ensure investments align with the agency’s mission and the needs of parties the agency serves. From this perspective, the continued collection of NCRP data elements proposed

for elimination is critical, and the inclusion of new items on the questionnaire regarding citizenship and national origin cannot be justified. If we can provide additional information or address any questions or concerns, please contact Micah Haskell-Hoehl at [mhaskellhoehl@vera.org](mailto:mhaskellhoehl@vera.org) or 202-465-8209.

Sincerely,

A handwritten signature in black ink, appearing to read 'N. Turner', with a stylized flourish at the end.

Nicholas Turner  
President, Vera Institute of Justice

Enclosure:  
Summary statistics for the variables proposed for removal

**Summary statistics for the variables that are proposed to be removed, based on the 2014 NCRP data.**

**PRIOR\_PRISON\_TIME:**

total % reported: 37% (4,109,894 / 10,913,067)  
states reported : 32% (16 / 50)  
% reported in reporting states: 68% (4,109,894 / 5,968,294)

**ADDED\_OFFENSE\_1:**

total % reported: 4% (500,310 / 10,913,067)  
states reported : 30% (15 / 50)  
% reported in reporting states: 7% (500,310 / 6,261,965)

**ADDED\_OFFENSE\_2:**

total % reported: 2% (237,061 / 10,913,067)  
states reported : 28% (14 / 50)  
% reported in reporting states: 4% (237,061 / 5,911,249)

**ADDED\_OFFENSE\_SENTENCE:**

total % reported: 19% (2,159,689 / 10,913,067)  
states reported : 22% (11 / 50)  
% reported in reporting states: 43% (2,159,689 / 5,000,323)

**AWOL:**

total % reported: 54% (5,943,418 / 10,913,067)  
states reported : 52% (26 / 50)  
% reported in reporting states: 69% (5,943,418 / 8,534,945)

**PRIOR\_COMMUNITY\_RELEASE:**

total % reported: 55% (6,030,003 / 10,913,067)  
states reported : 42% (21 / 50)  
% reported in reporting states: 75% (6,030,003 / 7,959,143)

**PRIOR\_COMMUNITY\_RELEASE\_DAYS:**

total % reported: 23% (2,588,608 / 10,913,067)  
states reported : 32% (16 / 50)  
% reported in reporting states: 41% (2,588,608 / 6,232,123)

**PRISON\_RELEASE\_TO\_1:**

**total % reported: 61% (6,677,269 / 10,913,067)**  
**states reported : 54% (27 / 50)**  
% reported in reporting states: 77% (6,677,269 / 8,648,858)

**PRISON\_RELEASE\_TO\_2:**

total % reported: 6% (749,711 / 10,913,067)  
states reported : 16% (8 / 50)  
% reported in reporting states: 16% (749,711 / 4,624,237)

**PRISON\_RELEASE\_TO\_3:**

total % reported: 5% (633,736 / 10,913,067)  
states reported : 12% (6 / 50)  
% reported in reporting states: 33% (633,736 / 1,890,476)

**SENT\_MANDATORY\_MINIMUM:**

total % reported: 34% (3,737,392 / 10,913,067)  
states reported : 40% (20 / 50)



% reported in reporting states: 82% (3,737,392 / 4,532,999)  
SENT\_TRUTH\_IN\_SENTENCING:  
total % reported: 46% (5,108,300 / 10,913,067)  
states reported : 44% (22 / 50)  
% reported in reporting states: 60% (5,108,300 / 8,501,330)  
SENTENCE\_LENGTH\_SUPERVISION:  
total % reported: 28% (3,154,319 / 10,913,067)  
states reported : 28% (14 / 50)  
% reported in reporting states: 47% (3,154,319 / 6,664,885)

**Of people admitted to prison in 2014:**

SENT\_MANDATORY\_MINIMUM:  
total % reported: 45% (200,657 / 442,387)  
states reported : 26% (13 / 50)  
% reported in reporting states: 99% (200,657 / 202,082)  
SENT\_TRUTH\_IN\_SENTENCING:  
total % reported: 54% (240,920 / 442,387)  
states reported : 28% (14 / 50)  
% reported in reporting states: 99% (240,920 / 242,429)

September 7, 2018

Melody Braswell  
Department Clearance Officer  
United States Department of Justice  
145 N St. NE, 3E.405B  
Washington, DC 20530

**Re: 83 FR 31778, Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection: National Corrections Reporting Program**

Dear Ms. Braswell,

The Sargent Shriver National Center on Poverty Law (the Shriver Center) respectfully submits the following comments on the proposed changes to information collection practices by the Bureau of Justice Statistics (BJS) through the National Corrections Reporting Program (NCRP). The Shriver Center provides national leadership in advancing laws and policies that secure justice to improve the lives and opportunities of people living in poverty. The Shriver Center frequently uses federal statistical data to identify systemic challenges facing people living in poverty and experiencing the adverse effects of racism, and to assist communities in creating legal and policy solutions advancing race equity and justice in the United States.

**We write you to express our firm opposition to the addition of questions concerning U.S. citizenship, country of citizenship, and country of birth to the NCRP.** These questions will not produce information that serves the purposes of the Bureau of Justice Statistics, will undoubtedly yield unreliable information, and can be gathered elsewhere by interested parties. Instead, the inaccurate data that would be produced were the questions added to the survey of prisons would be likely be used lend false support to long debunked theories of criminality among immigrants, which serves no legitimate function germane to the goals of BJS.

**Additionally, we oppose the removal of questions producing data reflecting the following elements of the lives of incarcerated people:**

- Prior prison time served by the offender
- Additional offenses since admission date
- Additional sentence time since admission date
- Whether the offender was on AWOL or escape while serving sentences
- Whether the offender was serving time concurrently on community release prior to prison release
- The number of days on community release prior to prison release served by the offender
- Agencies assuming custody at the time of prison release
- Offender's supervision status prior to release from post-custody community supervision
- Whether the offender's maximum sentence includes a mandatory minimum sentence

- Whether the offender's maximum sentence includes a Truth in Sentencing Law restriction
- The length of court-imposed sentence to community service for the offender

### 1. *Proposed Addition of Citizenship Questions*

The proposed additions do not present a benefit to the mission of BJS:<sup>1</sup> None of the purposes listed can be portrayed as germane, given the availability of the data elsewhere, near certain inaccuracies in collecting the data, and likely motivations for collecting the data, all of which are unrelated to BJS's mission. Additionally, data collection for federal statistical programs should serve purposes related to the issuing agency's purpose and follow the relevant scientific standards. There are no indications that BJS's proposed collection of citizenship information follows those guides.

Data on immigration status, country of origin, and nationality is available elsewhere, meaning duplicative collection would be a poor use of BJS's time. The data is already being collected pursuant to Executive Order 13768, signed on January 25, 2017, requiring the Secretary of Homeland Security and the Attorney General to "collect relevant data and provide quarterly reports on . . . the immigration status of all convicted aliens incarcerated in State prisons and local detention centers throughout the United States."<sup>2</sup> Citizenship data is also already collected by the American Community Survey, the National Prisoner Statistics Program, the Census Bureau, and other programs. BJS has no compelling need for requesting duplicative data that has historically been omitted from the NCRP.

Additionally, there is an overwhelming likelihood that the data obtained in response to questions of immigration status, country of citizenship, and country of origin will be inaccurate. BJS and National Prisoner Survey reports indicate that jurisdictions tend to respond to requests for citizenship information through self-reporting by people in their prisons. Self-reporting, without external verification is a notoriously inaccurate way to collect information on citizenship status. BJS itself notes that unverified, self-reported citizenship data is "of [] lower quality," and that "the lowest quality data on current citizenship are those derived from self-reported country of birth." Absent mandated changes to reporting requirements for department of corrections (DOCs) – something the proposed changes do not anticipate – BJS's proposed additions will flood researchers and policymakers with unreliable information, yielding false conclusions and hindering sound research and policy choices.

While the motivations behind the duplicative collection of citizenship and immigration data by BJS are not entirely clear, they run the risk of resurrecting settled conversations

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<sup>1</sup> Bureau of Justice Statistics, *About the Bureau of Justice Statistics* (accessed June 1, 2018) "To collect, analyze, publish, and disseminate information on crime, criminal offenders, victims of crime, and the operation of justice systems at all levels of government. These data are critical to federal, state, and local policymakers in combating crime and ensuring that justice is both efficient and evenhanded and that all policy changes are evidence based.") *available* at <https://www.bjs.gov/index.cfm?ty=abu>

<sup>2</sup> Exec. Order No. 13768, 82 Fed. Reg. 8799 (Jan. 25, 2017).

regarding criminality within immigrant communities,<sup>3</sup> which is not a legitimate use of the data gathered for the NCRP. Several studies have shown that non-native United States residents are anywhere between two and five-times less likely to be incarcerated than native born populations.<sup>4</sup> Where non-citizens are incarcerated, it tends to be for immigration offenses, as federal offenses for which immigrants are likely to be incarcerated involve efforts to earn money or admission into the country and have no relationship to public safety.

In short, the questions appear to be a fishing expedition for problems that we know are minimal. The academic research establishing a negative relationship between immigration status and likelihood of incarceration establishes both the availability of data showing the immigration status of incarcerated people and that any putative research purpose has been thoroughly investigated. There is little reason to suggest that the proposed serves a productive end for BJS.

## ***2. Proposed Removal of Current Survey Items***

Several of the questions recommended for removal will impact the Shriver Center's ability to responsibly propose or oppose criminal legislation and/or policies that will impact communities and the people living in them. Detailed data showing these aspects of the prison system are useful to policymakers, advocates, and the public in assessing trends among the prison population. The report "made available to the U.S. Congress, Executive Office of the President, practitioners, researchers, students, the media, others interested in criminal justice statistics, and the general public via the BJS website," per information in the Proposed Rule, is a valuable tool, and efforts to reduce relevant data are antithetical to its purpose.

In general, the Shriver Center, government officials, advocacy organizations, and community partners all benefit from full, nuanced information about who makes up the prison population in each state. Similarly, data on mandatory minimums helps us understand the role that sentencing plays in the makeup of America's prison population.

Additionally, the NCRP is one of a limited number of resources whose national data allows for State-to-state comparisons to be made, deriving parallel comparisons using criminal justice policy is a critical way of understanding best practices and recommending solution-driven reform. Data showing national trends across departments of corrections is either unavailable or scattered across several different state agencies. This makes finding information much more difficult. Also, where information can be gleaned from several different sources, inconsistencies in identification, collection, and maintenance of data can lead to inaccuracies.

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<sup>3</sup> Daniel Mears, *Immigration and Crime: What's the Connection?*, 14 FED. SENTENCING REP. 284 (2002) (showing absence of published studies contradicting evidence that foreign-born residents commit fewer crimes than native-born residents).

<sup>4</sup> Walter Ewing, Daniel E. Martínez, and Rubén G. Rumbaut, American Immigration Council, *The Criminalization of Immigration in the United States* (July 13, 2015) available at <https://www.americanimmigrationcouncil.org/research/criminalization-immigration-united-states>.

As to the specific questions that BJS has proposed removing, several are of interest to the Shriver Center and would hinder our research and advocacy if they become unavailable. For example, questions regarding sentencing enhancement. Those questions are particularly helpful when trying to assess sentencing disparities and conditions within prisons. Removing questions concerning prior prison time served by inmates could eliminate the ability to monitor recidivism. In general, absence of data makes necessary steps in research such as identifying outliers, spotting trends, narrowing potential reasons for problems, and crafting targeted solutions significantly more difficult. If policy-makers and influencers aren't provided or given access to information to understand who makes up the prison population, it will become near impossible to offer evidence-based reforms that will ultimately aid in public safety.

Removal of data detailing these issues will obscure elements of the prison system and the experiences of incarcerated people that were previously available, making investigation and beneficial changes to prison policy by the Shriver Centers and its partner organizations more difficult. Furthermore, the purported justification of "insufficient response rate" is not reason to suspend the collection of this data by BJS, especially when considering the complexity of the prison system. Certainly, incomplete data is better than no data at all.

The proposed additions to and deletions of information collected by BJS in 83 FR 31778 are not necessary — and are in fact counterproductive — to the proper performance of the functions of the Bureau of Justice Statistics. Any additional data produced by the addition of citizenship questions will be devoid of practical utility to agencies, advocates, and interested members of the public because it is unlikely to be accurate and is available from other sources. Deleted questions will hinder research and policy development by depriving interested parties like the Shriver Center of useful information.

Thank you for your consideration of these comments and the opportunity to share our perspective. For questions, please contact Kevin Herrera, Staff Attorney at the Sargent Shriver National Center on Poverty Law, [kevinherrera@povertylaw.org](mailto:kevinherrera@povertylaw.org).

Sincerely,

Kevin Herrera

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September 7, 2018

Melody Braswell  
Department Clearance Officer  
United States Department of Justice  
145 N St. NE, 3E.405B  
Washington, DC 20530

Dear Ms. Braswell,

The undersigned organizations oppose a proposed request by the Bureau of Justice Statistics (BJS) for information from state agencies about inmates' citizenship and country of birth. The proposal appears in a Federal Register Notice of a Proposed Information Collection for the National Corrections Reporting Program (NCRP), OMB Docket No. 1121-0065, published on July 9, 2018 at 83 FR 31778.

Data collection for federal statistical programs must serve necessary government purposes and follow the strongest scientific standards. The proposed questions violate these rules because the data:

- Are already available elsewhere.
- Would serve no necessary purpose.
- Are likely to be inaccurate.

Ultimately, if the BJS proceeds with this initiative, it runs a serious risk of conflict with its own standards.

The organizations endorsing these comments are non-profit entities that advocate the fair and equal treatment of all people, regardless of race, ethnicity, national origin, immigration status, or any other personal characteristic. Our organizations, and where applicable our members, regularly use federal statistical data to understand trends in the economy and social welfare, to identify historically persistent disparities, and to craft and advocate policies that advance equal justice. We rely upon government data to be of the highest accuracy and completeness.

#### 1) These Data Are Already Available

Executive Order 13768, signed on January 25, 2017, directed Cabinet officials to report quarterly on the immigration status of people incarcerated for a criminal conviction—and in particular, to identify incarcerated noncitizens. The stated purposes of this Order are to secure public safety, and to provide transparency and situational awareness. The BJS has proposed these questions about prisoners' citizenship and countries of birth to carry out this directive.

We strongly disagree that collecting these data will improve public safety. However, even if the responses helped in this regard, it would be wasteful and unnecessary to collect them through the NCRP. Several data collections already exist which have enabled a significant body of analysis.

One is the National Prisoner Statistics (NPS) Program. The NPS receives reports every year from the state Departments of Correction on the numbers of noncitizens in their custody. Its data, which go back to 1926, have included the citizenship of prisoners for nearly 20 years. BJS has long used NPS data to create and publish reports about inmates' demographic characteristics and duration in custody. (It also uses other instruments, such as the Survey of Prison Inmates, Annual Probation Survey, Annual Parole Survey, and Annual Survey of Jails.) These data include, in addition to citizenship information, the length of sentences; types of offenses; prisoners' gender, age, race, and ethnicity; and the nature of release (unconditional or under supervision). The information is sufficiently detailed to enable sophisticated analysis for policymaking that may rely on, for example, changes in the percentage of noncitizen inmates over time, and variations among states and custodial arrangements.

Another is the American Community Survey (ACS). It collects up-to-date, detailed information about incarcerated people and their personal characteristics, including citizenship and national origin. The Census Bureau conducts the ACS on a rolling basis, and draws information about prison populations from surveys completed by facility administrators as well as interviews conducted annually with randomly-chosen inmates. The ACS has a larger sample size than many other publicly- or privately-fielded surveys, in part because response is mandatory and while not every facility submits ACS data every year, the ACS has a higher response rate. Hence ACS data are considered among the most accurate about Americans' demographic, social, and economic characteristics. Researchers have used ACS data from incarceration sites to study prisoners' educational attainment, recidivism, citizenship, and other issues, and have lauded its unique suitability for those purposes. For example, analysts have noted that its "large sample size allows for analyses of subgroups within prison population," and that the "inclusion of household and group quarters populations in the same survey enables comparisons" between incarcerated and non-incarcerated people.<sup>1</sup>

The NPS, ACS, and other Census Bureau surveys provide thorough, detailed information about prisoners' citizenship, yet they do not exhaust the universe of data sources. Information is also available from the State Criminal Alien Assistance Program (SCAAP) reimbursement requests, FBI arrest histories, and records of convictions from state court systems.

For example, the SCAAP provides partial repayment from the federal government to states for the cost of incarcerating certain noncitizens. To get these funds, almost all the states have participated in this program, and they submit detailed information every year about known and suspected noncitizens in their custody to the Department of Justice (DOJ). The DOJ in turn secures DHS confirmation of the status of the listed individuals so it can approve reimbursements only for incarcerated noncitizens who meet statutory criteria. As a result, for participating

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<sup>1</sup> Stephanie Ewert and Tara Wildhagen, Educational Characteristics of Prisoners: Data from the ACS, April 2011, available at <https://www.census.gov/library/working-papers/2011/demo/SEHSD-WP2011-08.html>.

states, DOJ already possesses annually updated, individual, detailed records of the citizenship status, country of origin, and other personal characteristics of most, or all, suspected and confirmed noncitizens in criminal custody.

In sum, BJS should avoid duplication of effort and strike the proposed questions about prisoners' citizenship and country of origin.

## 2) The Proposed Data Collection Will Not Serve the Purpose of Improving Public Safety

The citizenship status of an accused offender is irrelevant to the determination of guilt of virtually all state and local crimes. An innocent act does not become a burglary, for instance, solely because a noncitizen commits it. Hence this data collection concerning people serving sentences for state and local crimes would not improve the administration of justice or public safety. Executive Order 13768 and the proposed gathering of inmate citizenship information seem motivated by an interest in falsely portraying noncitizens as disproportionately dangerous, and in seeking justification for actions that may discriminate on the basis of national origin, potentially in violation of the Civil Rights Act of 1964.

In fact, the data have repeatedly proved that noncitizens are underrepresented among those incarcerated for non-immigration-related crimes. Of the immigration status-related crimes noncitizens do commit, most are not violent, and most can only be prosecuted and punished by federal authorities. Convictions of illegal entry and re-entry into the country are by far the most common. Others involve unauthorized transactions<sup>2</sup> or false claims of US citizenship<sup>3</sup>, principally committed to gain work or admission into the country.

Noncitizens are more law-abiding than U.S. citizens, and the evidence is sustained, overwhelming, and beyond dispute. Recent studies have reached this conclusion by looking to data about arrestees' and convicts' citizenship, self-reports about criminal behavior (with independent confirmations of reliability), and sophisticated comparisons of the density of noncitizen populations in various jurisdictions with noncitizens' and U.S. citizens' arrest and conviction rates in the same jurisdictions over time.<sup>4</sup> For example, a 2015 paper by Drs. Walter Ewing, Daniel Martinez, and Ruben Rumbaut concluded that "innumerable studies have confirmed two simple yet

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<sup>2</sup> Although states' and localities' attempts to criminalize actions including seeking work without authorization as an immigrant and failing to carry immigration documents at all times have largely been invalidated by federal courts, federal law does punish, for example, the forgery or false use of a visa or other immigration document, 18 U.S.C. § 1546.

<sup>3</sup> Making a false claim to U.S. citizenship for any purpose is a federal crime, 18 U.S.C. § 911, and states and localities may also punish such false claims made to, for example, register to vote, e.g. California Elections Code § 18100(a).

<sup>4</sup> *E.g.*, Nazgol Ghandnoosh, Ph.D., and Josh Rovner, The Sentencing Project, Immigration and Public Safety, March 16, 2017, available at <https://www.sentencingproject.org/publications/immigration-public-safety/> (finding that "foreign-born residents of the United States commit crime less often than native-born citizens"); Daniel P. Mears, Immigration and Crime: What's the Connection?, 14 Federal Sentencing Reporter 284 (2002) (finding no material at all in any published academic literature on the criminal activity of the foreign-born that contradicted the conclusion that foreign-born residents commit fewer crimes than native-born residents).



powerful truths about the relationship between immigration and crime: immigrants are less likely to commit serious crimes or be behind bars than the native-born, and high rates of immigration are associated with lower rates of violent crime and property crime. This holds true for both legal immigrants and the unauthorized, regardless of their country of origin or level of education.”<sup>5</sup>

Immigrants are not just more law-abiding, but much more so. Analysis of Census data stretching back to 1980 has shown that incarceration rates for foreign-born residents have consistently been one-half to one-fifth those of native-born citizens.<sup>6</sup> Strikingly, analysis of the incarcerated population in California—home to more than 24 percent of all foreign-born residents in the country—found that “U.S.-born men have an institutionalization rate that is 10 times higher than that of foreign-born men,” and that when researchers compared populations of similar age and educational attainment, the disparity between incarceration rates grew even larger.<sup>7</sup> The authors concluded compellingly, “From a perspective of public safety, then, there would be little reason to limit immigration, to try to increase the education levels of immigrants, or to increase punishments to deter noncitizens from committing crimes.”<sup>8</sup>

Since noncitizens are much less likely to commit criminal activity, and since their citizenship status and countries of origin are irrelevant to prosecuting almost all kinds of crime, the collection of redundant information about inmates’ citizenship and national origin serves no logical purpose related to public safety.

Executive Order 13768 implies the actual intention of the proposal when it misleadingly states, “Many aliens who illegally enter the United States and those who overstay or otherwise violate the terms of their visas present a significant threat to national security and public safety.” This conclusion contradicts the evidence. Our organizations are concerned about, and oppose, the compilation of data to promote the false, divisive propositions that: a) noncitizens are particularly likely to commit crimes or b) federal immigration authorities cannot identify and pursue civil removability charges against noncitizens in state and local criminal custody. Credible academic research strongly and uniformly refutes the former, and the Department of Homeland Security’s (DHS) swift, routine removal of convicted individuals disproves the latter. DHS has universal access to arrest and incarceration records from throughout the country, including inmates’ fingerprints, and on that basis, the agency issued more than 140,000 detainer requests to take custody of criminal inmates in the most recent fiscal year, FY17.<sup>9</sup>

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<sup>5</sup> Dr. Walter Ewing, Dr. Daniel E. Martinez, and Dr. Rubén G. Rumbaut, *The Criminalization of Immigration in the United States*, July 13, 2015, available at <https://www.americanimmigrationcouncil.org/research/criminalization-immigration-united-states>.

<sup>6</sup> *Id.*

<sup>7</sup> Kristin F. Butcher and Anne Morrison Piehl, *Crime, Corrections, and California: What Does Immigration Have to Do with It?*, *California Counts: Population Trends and Profiles* Vol. 9 No. 3 (Feb. 2008), available at [http://www.ppac.org/content/pubs/cacounts/CC\\_208KBCC.pdf](http://www.ppac.org/content/pubs/cacounts/CC_208KBCC.pdf)

<sup>8</sup> *Id.*

<sup>9</sup> Transactional Records Access Clearinghouse, *Latest Data: Immigration and Customs Enforcement Detainers (ICE Data through April 2018)*, available at <http://trac.syr.edu/phptools/immigration/detain/>.

### 3) These Questions Would Likely Yield Poor Quality Responses, Especially Since Key States May Not Provide Them

Documents regarding the deliberations that led to the present Federal Register Notice reveal that BJS understands that some—if not the majority—of these data held by states is of relatively poor quality and reliability. Moreover, BJS is aware that if it proceeds with the proposed request, it will obtain uneven degrees of cooperation from jurisdictions. The undersigned organizations have well-substantiated doubts about state agencies' ability and willingness to provide this information, partly because the effort would serve no legitimate purpose and impose a needless burden.

A principal reason that states' records are of low quality is that citizenship and country of birth are irrelevant to states' and localities' law enforcement. Few agencies seek to compile accurate information if it is useless to them.

BJS has already seen many omissions and inaccuracies in states' records when collecting data for the NPS. For example, in its most recent comprehensive reports on prisoners in the United States, BJS explicitly noted that some responding jurisdictions could only provide data reflecting inmates' countries of birth, not their current citizenship. This handicap is serious. The most recent Census Bureau statistics from the 2016 ACS 1-year file show that nearly 49 percent of U.S. residents who are foreign-born are naturalized American citizens. As a result, information on country of birth is effectively useless for comparing U.S. citizens and noncitizens.

The states' data is unreliable on another dimension. BJS studies and documents indicate that inmates self-report much of it, and that such self-reports are not trustworthy. In the agency's December 20, 2017 clearance request, it noted that its most recent inquiries to states, conducted in 2012, revealed that most of the jurisdictions queried obtained citizenship information from self-reports by prisoners at admission. In addition, NPS submissions led the agency to believe that the majority of states continued to employ this procedure, and that very few sought verification from courts, federal authorities, or state law enforcement agencies. The BJS acknowledged that "of [] lower quality are data that show current citizenship status...based on self-report by the inmates, that has not been externally verified... the lowest quality data on current citizenship are those derived from self-reported country of birth."

Finally, state response to the NCRP is voluntary and many states are likely to ignore the questions altogether. Several—including California, in recent years—typically decline to provide any information about inmates' citizenship or national origin in the NPS, and would likely decline if these inquiries appeared in the NCRP. Because California is home to such a large share of the nation's total foreign-born, its non-participation, on its own, would severely diminish the accuracy and usefulness of any resulting NCRP data.

### 4) The Proposed Data Collection Would Likely Violate BJS Criteria

The known weaknesses of the data that BJS is likely to collect should have prevented the attempt in the first place. The agency's December 20, 2017 clearance request to

OMB states that if any of the following criteria is met, BJS would recommend against seeking citizenship and country of birth in the NCRP:

- If any single state will discontinue participation in NCRP because of the addition of a citizenship question, the variable should not be added because it would compromise the integrity of the rest of the NCRP data;
- If more than 20% of prisoner records would come from states that cannot provide the data due to state or Department of Corrections policy, the variable should not be added because it would result in high levels of missing data for the citizenship variable;
- If more than 40% of prisoner records in NCRP would come from states that could only report country of birth, the variable should not be added because country of birth is a poor proxy for citizenship; and
- Most pertinently, if more than 60% of prisoner records would come from the combination of inmate self-report without verification or through the reporting of place of birth, the variable should not be added because data would be drawn from the two least trustworthy sources.

If California does not participate, the second condition will likely fail and invalidate the data collection. Even if it does take part, our organizations believe that the remaining three criteria may also fail. The information request is at real risk of not meeting the standards BJS has set for it.

Finally, even if BJS were able to secure the best possible data about inmates' citizenship and countries of birth—despite the agency's own expectation that states cannot provide sufficiently complete and reliable data—it still will not support the analysis the agency envisions.

The goals elude the data. For example, BJS proposes to “examine recidivism rates by U.S. citizenship status.” The agency ignores the fact that the sample will be skewed. Many or most noncitizens serving criminal sentences—who may be theoretically eligible for community supervision—are in fact charged as removable and taken into DHS custody in lieu of conditional or unencumbered release from custody.<sup>10</sup> They are much less likely to be repeat offenders. As a result, the sample will lean heavily toward U.S. citizens, because immigration enforcement mechanisms will preclude noncitizens' post-custody liberation. The data collection cannot fulfill its purposes.

## Conclusion

The proposed collection of state and local prisoners' citizenship and countries of birth through the NCRP is unnecessary, unjustified by its stated purposes, and unlikely to produce sufficiently reliable and accurate data according to BJS's own

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<sup>10</sup> For example, a large majority of noncitizens in New York state criminal custody between 2003 and 2013 who completed a sentence were released to Immigration and Customs Enforcement custody rather than to the community. New York State Department of Corrections & Community Supervision, Research In Brief: Department Procedures For Processing Criminal Aliens 2014, available at [http://www.doccs.ny.gov/Research/Reports/2014/Alien\\_Processing\\_2013.pdf](http://www.doccs.ny.gov/Research/Reports/2014/Alien_Processing_2013.pdf).

standards. Even worse, this effort arises at the same time as data collection and other efforts by government agencies to stigmatize noncitizens and instill fear and mistrust in immigrant-origin communities. In the context of the Administration's explicit embrace of anti-immigration policies and rhetoric, and actions like the Department of Commerce's last-minute decision to add an untested citizenship question to the 2020 Census, there is widespread and growing apprehension about the consequences of any interaction with government officials. The more they are aware that government representatives are scrutinizing foreign-born residents, the less willing individuals—including legal immigrants and U.S. citizen relatives of noncitizens—are to take actions that promote every American's welfare and safety.

Hence this superfluous proposal is likely to have perverse negative ripple effects. Wary residents will be less likely to open their doors to police, to report and help prosecute crimes, to pay taxes and municipal fees, and to respond to the decennial Census, the most consequential data collection our country undertakes.

Our organizations are committed to supporting the federal government's collection of comprehensive, accurate data about U.S. residents. We know that some burden on respondents is justified by the enormous value of statistics that serve critical government purposes and meet established, scientific standards. However, the proposed data collection does neither. We oppose it, and urge you to remove these questions from the NCRP questionnaire for 2018 and subsequent years.

Thank you for your consideration of these comments.

Sincerely,

American-Arab Anti-Discrimination Committee (ADC)  
Archivists Round Table of Metropolitan New York (ART)  
Asian Americans Advancing Justice | AAJC  
Campaign for Youth Justice  
Coalition for Humane Immigrant Rights (CHIRLA)  
Common Cause  
The Center for Law and Social Policy (CLASP)  
Equality California  
Government Information Watch  
Human Rights Watch  
Jewish Council for Public Affairs  
The Leadership Conference on Civil and Human Rights  
NALEO Educational Fund  
National Black Justice Coalition  
National Center for Transgender Equality  
National Immigration Law Center  
National Juvenile Justice Network  
National LGBTQ Task Force  
PFLAG National  
Prison Policy Initiative  
Service Employees International Union (SEIU)  
Southeast Asia Resource Action Center (SEARAC)

Transgender Law Center  
URGE: Unite for Reproductive & Gender Equity



October 19, 2018

Melody Braswell  
Department Clearance Officer  
Justice Management Division  
United States Department of Justice  
Two Constitution Square  
145 N Street NE, 3E.405B  
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**FOUNDER EMERITUS**

Hon. Edward R. Roybal<sup>1</sup>

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New Business Development,  
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Hon. Peter R. Villegas  
NALEO Board Representative,  
Commissioner,  
Rancho Cucamonga Park  
and Recreation, CA

**CHIEF EXECUTIVE OFFICER**

Mr. Arturo Vargas

<sup>1</sup> deceased

Dear Ms. Braswell,

I write to reiterate opposition to the Bureau of Justice Statistics' proposed collection of state and local prisoners' countries of birth and citizenship status through the National Corrections Reporting Program (NCRP), on behalf of NALEO Educational Fund. This letter responds to the Bureau of Justice Statistics' Notice published September 19, 2018 at 83 Fed. Reg. 47369.

NALEO Educational Fund is the nation's leading nonprofit organization that facilitates the full participation of Latinos in the American political process, from citizenship to public service. Our Board members and constituency encompass the nation's more than 6,600 Latino elected and appointed officials, and include Republicans, Democrats and Independents. Our organization, and our Latino elected official members throughout the country, use federal statistical data to understand trends in the economy and social welfare, to identify historically persistent disparities, and to craft and advocate policies that advance equal justice.

In comments dated September 7, 2018, NALEO Educational Fund wrote that this collection of information: 1) would be duplicative, 2) would not improve public safety, and 3) would yield incomplete or unreliable data by the Bureau's own criteria. These serious difficulties remain.

While the Bureau's September 19, 2018 Notice distinguishes between the potential uses of the data it proposes to collect and similar data collected by other programs, the Bureau did not identify any purpose for citizenship-related NCRP data that would serve the criminal justice system in a way that existing data cannot. Nor could the Bureau refute concerns about the quality of these data.

Therefore, we continue to urge the Bureau to cancel its proposed citizenship and country-of-origin data collection.

We Already Have This Information

The federal government already possesses ample data that respond to the concerns of Executive Order 13768. The Department of Homeland Security enjoys comprehensive, immediate access to records of people with state and local criminal convictions who have also broken immigration laws, as robust ICE Enforcement and Removal Operations results prove. It can gain nothing

useful from the NCRP. The proposed data collection is unnecessary, and the burden it imposes is unjustified.

#### Even if We Lacked It, This Information Would Not Improve Public Safety

Statistics about prisoners and incarceration tell us more than we can individually observe about our criminal justice system. That system, in turn, serves our common interest in public safety by deterring some from breaking the law, and by physically constraining others from destabilizing our communities.

These are clearly the aims of Executive Order 13768, which inspired the proposed NCRP data collection. The Executive Order begins by asserting that people who violate immigration rules imperil public safety, and that the Order exists to ensure full enforcement of the law (and thus, Americans' safety). The Bureau argues that the proposed NCRP data collection responds to a request in this Order for greater "transparency and situational awareness," but since it arises from a document whose central purpose is to promote public safety, such awareness and knowledge can only be for the larger goal of enforcing laws and protecting residents.

However, as we have demonstrated, and the Bureau has not denied, citizenship and nationality are irrelevant to the enforcement of criminal laws, particularly at the state and municipal level. Existing data uniformly show that foreign-born residents have lower rates of criminal indictment and conviction than native-born Americans. Further data could not logically expand criminal law enforcement against these populations, and it is therefore unsurprising that states and municipalities do not keep, and researchers do not appear to have requested, complete and detailed data about these characteristics. It is equally concerning that an Administration that has been repeatedly and credibly accused of impermissible national origin discrimination<sup>1</sup> has initiated this inquiry.

In sum, collecting information about state and local prisoners' countries of birth or citizenship cannot improve the security of American communities.

#### This Information Would Be Unacceptably Low in Quality

As a matter of common sense, it is hard to justify the time, energy, and cost of collecting information nationwide if simple examination reveals that it will be faulty or incomplete. Accordingly, the Bureau said it would recommend against the collection if any one of several criteria were met. In pertinent part, the Bureau would omit the inquiries from the NCRP if:

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<sup>1</sup> *E.g.*, *Ramos v. Nielsen*, 321 F.Supp. 3d 1083, 1131-32 (N.D. Cal. 2018) (finding that plaintiffs plausibly alleged that President Trump expressed national origin-based animus and that this sentiment was a factor motivating the termination of Temporary Protected Status for Haitian, Salvadoran, Nicaraguan, and Sudanese residents); *Darweesh v. Trump*, No. 17 Civ. 480 (AMD) (E.D. N.Y. Jan 28, 2017), Decision and Order on Motion for Preliminary Injunction (finding that "petitioners have a strong likelihood of success" in proving their claim that implementation of the first "Muslim Ban" policy violated their equal protection and due process rights).

- Any single state would discontinue participation in the program because of its addition, or
- More than 60 percent of records collected in response would rely on inmates' self-reporting, without verification, of current citizenship or place of birth.

We concur with the Bureau's assessment that data collection is justified only if it is likely to produce more reliable, accurate information.

However, supporting documents associated with the Bureau's September 19, 2018 Notice confirm, rather than allay, our concern that the data collection will fail the Bureau's own criteria.

First, the Bureau acknowledges that three states did not respond at all to its inquiries about potential citizenship data collection, including California, the state with the largest share and greatest number of foreign-born residents. Of those that did respond, four refused to submit the requested citizenship-related information, and another three said they were not certain they would provide it. Overall, ten states have not responded and many are plainly hostile to the citizenship inquiries. Among the states that did respond, two said that the inquiries might cause them to cease participating in the NCRP altogether. This final fact alone should have halted the data collection effort, by the Bureau's own standard.

Second, there are major problems with the prospective quality of NCRP citizenship and country of birth data. Just 43 of the 47 states the Bureau queried had any relevant data in their records, and every single one of these 43 states reported that its citizenship and country of birth data were based on inmates' self-reporting. While a number of those states checked this information against other state court or law enforcement records, they cautioned that those records themselves might come from the same unreliable self-reports. In addition, while some states sought verification of selected inmates' citizenship or origin from federal agencies, they told the Bureau that they "rarely if ever hear back from ICE regarding the inmates, and that even if they are notified of the results of the verification, the [Departments of Corrections] do not always update their records with verified results."

These responses cast serious doubt on whether the Bureau can attain its threshold goal of 40 percent of records verified by independent sources. Even if it could, states have told the Bureau clearly that their own verification methods do not necessarily improve the accuracy of citizenship-related data.

The proposed collection of prisoners' citizenship and country of birth information is likely to fail the Bureau's criteria for NCRP participation and data reliability. It is acutely concerning that the Bureau has compromised its reputation and authority by advocating these inquiries even though it admits likely problems with the quality and completeness of the data it would obtain.



Ms. Braswell  
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Conclusion

Federal statistics are powerful and influential policymaking tools. We need them to focus our national attention on the most important issues and the most promising potential interventions, and they must be as accurate as possible.

NALEO Educational Fund is therefore dismayed that the Bureau intends to collect and publish duplicative, irrelevant data to carry out an Executive Order whose key assertion—that non-citizens “present a significant threat to national security and public safety”—is plainly false, as proven by the weight of evidence collected over the course of several decades. Further, if collected, these data would pose threats to any agency relying on them because of their poor quality.

In sum, we possess this information right now, it does not help, and we could not trust it if we attempted through the proposed data collection to obtain it all over again.

We strongly urge the Bureau to adhere to its own high standards, and to eliminate questions about prisoners’ citizenship and countries of birth from future NCRP questionnaires.

Thank you for your consideration of these comments.

Sincerely,



Arturo Vargas  
Chief Executive Officer



NALEO  
Educational Fund

## **Appendix D**

### **BJS Data Protection Guidelines**



U.S. Department of Justice

Office of Justice Programs

*Bureau of Justice Statistics*

*Washington, D.C. 20531*

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## **BUREAU OF JUSTICE STATISTICS DATA PROTECTION GUIDELINES**

### **OVERVIEW**

The Bureau of Justice Statistics (BJS) is a federal statistical agency<sup>1</sup> and the nation’s primary source for criminal justice data.<sup>2</sup> BJS is a component of the Office of Justice Programs (OJP) in the U.S. Department of Justice (DOJ). BJS’s mission is to collect, analyze, publish, and disseminate statistical information on crime, criminal offenders, victims of crime, and the operation of justice systems at all levels of government. These data are critical to federal, state, and local policymakers in combating crime and ensuring that justice is both efficient and evenhanded.

The BJS Data Protection Guidelines, developed in coordination with OJP’s Office of the General Counsel and Office of the Chief Information Officer, are intended to provide a summary of the many federal statutes, regulations, and other authorities that govern BJS.<sup>3</sup> As discussed in greater detail below, the guidelines require BJS to: adhere to strict confidentiality requirements regarding data collected at BJS’s direction; ensure that the collected data be used only for statistical purposes; commit to wide dissemination of BJS data for public benefit; and strive to maximize the utility, objectivity, and integrity of the information BJS disseminates and archives for public use.

### **I. DATA PROTECTIONS IN FEDERAL STATUTES**

Pursuant to its statutory responsibilities, BJS must maintain the confidentiality of all personally identifiable information it collects. Specifically, in accordance with BJS’s authorizing statute, the Director of BJS “shall be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure.” [34 U.S.C. § 10132\(b\)](#).

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<sup>1</sup>The Office of Management and Budget (OMB) recognizes BJS as one of thirteen principal federal statistical agencies that have statistical work as their principal mission.

<sup>2</sup> For the purpose of this document, “information” and “data” are used synonymously.

<sup>3</sup> This document is intended to provide a general overview of the statutory, regulatory, and policy framework under which the employees and contractors of BJS operate. Nothing herein is intended to, or does, create any rights, substantive or procedural, enforceable at law by any party in any matter civil or criminal. Any specific questions regarding the application of these statutes, regulations, policies, and guidelines should be addressed in writing to BJS directly. The BJS Data Protection Guidelines will be updated to reflect changes to current or newly implemented statutes, regulations, and other authorities and the most current version will be available on the BJS website - [https://www.bjs.gov/content/pub/pdf/BJS\\_Data\\_Protection\\_Guidelines.pdf](https://www.bjs.gov/content/pub/pdf/BJS_Data_Protection_Guidelines.pdf).

Further, under 34 U.S.C. § 10231(a), no officer or employee of the federal government, including BJS employees or its data collection agents,<sup>4</sup> may use or reveal any research or statistical information furnished in connection with a BJS data collection, including data identifiable to any specific private person, by any person for any purpose other than the purpose for which it was furnished.

Additionally, under that statute, statistical information provided to BJS that is identifiable to a private person is immune from legal process, and may not, without the consent of the person furnishing such information, be admitted as evidence or be used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings. Any person violating these confidentiality provisions may be punished by a fine not to exceed \$10,000 in addition to any other penalty imposed by law.

Further confidentiality protections for statistical data are contained in 18 U.S.C § 1905. Penalties for violating this statute include mandatory termination from employment, as well as a fine, term of imprisonment of not more than one year, or both.

## **II. DATA USE RESTRICTIONS IN FEDERAL STATUTES AND REGULATIONS**

BJS operates under a statute which specifically states that it may only use the data it collects for statistical or research purposes. Title [34 U.S.C. § 10134](#), states that “[d]ata collected by the Bureau 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<sup>5</sup> or public agency other than statistical or research purposes.” The term “*statistical purpose*,” as defined in Section 502(9)(A) of the E-Government Act of 2002, means “the description, estimation, or analysis of the characteristics of groups, without identifying the individuals or organizations that comprise such groups.”<sup>6</sup> Statistical purposes exclude “any administrative, regulatory, law enforcement, adjudicatory, or other purpose that affects the rights, privileges, or benefits of a particular identifiable respondent.” *Id.* at 502(5)(A).

All BJS data collection agents working with identifiable information collected or maintained at BJS’s direction are required to comply with all confidentiality requirements of 34 U.S.C. § 10231, the privacy certification requirements of 28 C.F.R. § 22.23, and the requirement to destroy identifiable data as set forth in 28 C.F.R. § 22.25.

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<sup>4</sup> For the purpose of these guidelines, the term “data collection agent” refers to an individual who works under BJS’s authority through a cooperative agreement, grant, contract, subaward, or subcontract to perform exclusively research or statistical activities (e.g., collecting, receiving, handling, maintaining, transferring, processing, storing, or disseminating data).

<sup>5</sup> The term “*private person*” means “any individual (including an individual acting in his official capacity) and any private partnership, corporation, association, organization, or entity (or any combination thereof).” 34 U.S.C. § 10251(a)(27).

<sup>6</sup> Section V of the E-Government Act of 2002 is also known as the “Confidential Information Protection and Statistical Efficiency Act of 2002,” (CIPSEA). See, [44 U.S.C. § 3501](#) note.

### **III. FOIA REQUESTS AND FEDERAL CONFIDENTIALITY PROTECTIONS**

BJS data collections also have protections under a broader federal statute that affects the confidentiality of information in the Privacy Act of 1974 and the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Although FOIA is generally cited as establishing the public’s right of access to federal records and information, there are nine established FOIA exemptions which permit executive branch agencies to withhold certain types of information from release. For example, one such exemption may allow BJS to withhold information when public release would reveal information accusing a person of a crime.<sup>7</sup> Another example may allow BJS to refuse to disclose information if the information sought would “disclose investigatory records compiled for law enforcement purposes, or if the disclosure might have similar implications.”<sup>8</sup>

### **IV. FEDERAL REGULATIONS ON THE CONFIDENTIALITY OF IDENTIFIABLE DATA**

Data collected by BJS and BJS data collection agents are maintained under the confidentiality provisions outlined in [28 C.F.R. Part 22](#).<sup>9</sup> Relevant provisions include –

- Data identifiable to a private person may be used or revealed only for research or statistical purposes, or where prior consent is obtained from an individual
- Identifiable information will be used or revealed only to employees on a need-to-know basis, and only if the recipient is legally bound to use it solely for research and statistical purposes and to take adequate administrative and physical precautions to ensure confidentiality
- BJS award recipients are required by federal law, as a condition of funding, to submit a Privacy Certificate that describes the precautions in place to adequately safeguard the administrative and physical security of identifiable data, as applicable
- Individuals, including BJS data collection agents, with access to data on a need-to-know basis are advised in writing of the confidentiality requirements and must certify in writing to abide by these requirements.

### **V. INFORMATION SYSTEM SECURITY AND PRIVACY REQUIREMENTS**

BJS/OJP maintains a robust IT security program in compliance with the DOJ Cybersecurity

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<sup>7</sup> 5 U.S.C. § 552b(b)(5).

<sup>8</sup> 5 U.S.C. § 552b(b)(7).

<sup>9</sup> While the confidentiality provisions of Part 22 discussed herein are extensive, these regulations do not apply to any records from which identifiable research or statistical information was originally obtained; or to any records which are designated under existing statutes as public; or to any information extracted from any records designated as public.

Program<sup>10</sup> and the [DOJ IT Security Rules of Behavior \(ROB\) for General Users](#)<sup>11</sup> to facilitate the privacy, security, confidentiality, integrity, and availability of BJS/OJP's computer systems, networks, and data in accordance with applicable federal and Department policies, procedures, and guidelines. BJS award recipients are similarly required to maintain the appropriate administrative, physical, and technical safeguards to protect identifiable data and ensure that information systems are adequately secured and protected against unauthorized disclosure.

Specifically, BJS and its award recipients are required to, where applicable –

- Assess and secure information systems in accordance with the [Federal Information Security Modernization Act](#) (FISMA), which appears as Title III of the [E-Government Act of 2002](#) (Pub. L. No. 107-347)
- Adhere to [National Institute of Standards and Technology](#) (NIST) guidelines to categorize the sensitivity of all information collected or maintained on behalf of BJS
- Once the system has been categorized, secure data in accordance with the Risk Management Framework specified in [NIST SP 800-37 rev. 1](#)
- Employ adequate controls to ensure data are not comingled with any other dataset or product without the express written consent of BJS (applicable to BJS data collection agents)
- Reduce the volume of personally identifiable information collected, used, or retained to the minimum necessary
- Limit access to identifiable data to only those individuals who must have such access, including requisite IT security administrators
- Limit the use of identifiable data to only the purposes for which its use was approved
- Ensure all cooperative agreements and contracts involving the processing and storage of personally identifiable information comply with DOJ policies on remote access and security incident reporting
- Employ formal sanctions for anyone failing to comply with DOJ policies and procedures, in accordance with applicable laws and regulations

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<sup>10</sup> The provisions of DOJ Order 0904, *Cybersecurity Program*, apply to all DOJ components, personnel, and IT systems used to process, store, or transmit Departmental information, as well as to contractors and other users of IT systems supporting the operations and assets of DOJ. The provisions discussed herein provide a summary of DOJ's information technology security requirements and policies.

<sup>11</sup> The DOJ IT Security ROB for General Users apply to all DOJ components, personnel, and contractors and pertain to the use, security, and acceptable level of risk for DOJ systems and applications. The provisions discussed herein provide an overview of DOJ's information technology security requirements and policies. For a more extensive description of specific DOJ policies, requirements, roles, and responsibilities, consult the DOJ IT Security ROB for General Users in full.

- Complete data security and confidentiality trainings.

All on-site BJS data are stored in a secure building in Washington, D.C. which houses only OJP (including BJS) and is staffed by armed guards 24 hours a day, 7 days a week. Federal employees and contractors must pass through an electronic badge swipe to verify their identity, and non-federal visitors must be sponsored by DOJ employees, pass through a metal detector, record information in a central log book, and wear a visitor's badge. Onsite servers containing BJS data are stored in a locked room with access limited only to OJP IT personnel, and require a badge swipe to enter. Data stored on CD-ROMs reside in a locked office with limited key access to authorized individuals, and all data use in this room is logged.

Technical control of BJS data is maintained through a system of firewalls and encryption. OJP employs an Intrusion Detection System at the perimeter of the network to supplement its defense-in-depth approach to security. BJS maintains data on a secure hard drive behind the DOJ firewall, and the data are encrypted to meet Federal Information Process Standard (FIPS) Publication 140-2 requirements. Access to this drive and its files require username and password verification. Access to individual files is restricted to the BJS statisticians who work on the project, their direct supervisors, and the requisite OJP IT security administrators.

Furthermore, OJP is required to periodically assess its security controls to determine their effectiveness, monitor and correct deficiencies, reduce or eliminate vulnerabilities in IT systems, and monitor IT system security controls.

BJS award recipients must employ similar administrative, physical, and technical controls to adequately secure their FISMA-defined information systems from unauthorized disclosure. OJP also reserves the right to audit during the project period any FISMA-defined information system used by BJS data collection agents to collect, receive, handle, maintain, transfer, process, store, or disseminate data products in support of the project to assess compliance with federal laws and regulations related to data management and security.

The Cybersecurity Enhancement Act of 2015 (codified in relevant part at [6 U.S.C. § 151](#)) requires the Department of Homeland Security (DHS) to provide cybersecurity protection for federal civilian agency information technology systems and to conduct cybersecurity screening of the Internet traffic going in and out of these systems to look for viruses, malware, and other cybersecurity threats. DHS has implemented this requirement by instituting procedures such that, if a potentially malicious malware signature were found, the Internet packets that contain the malware signature would be further inspected, pursuant to any required legal process, to identify and mitigate the cybersecurity threat. In accordance with the Act's provisions, DHS conducts these cybersecurity screening activities solely to protect federal information and information systems from cybersecurity risks. To comply with the Act's requirements and to increase the protection of information from cybersecurity threats, OJP facilitates, through the DOJ Trusted Internet Connection and DHS's EINSTEIN 3A system, the inspection of all information transmitted to and from OJP systems including, but not limited to, respondent data collected and maintained at BJS's direction.

## VI. DISSEMINATION OF DATA

The BJS authorizing statute reads, in relevant part, that BJS is authorized to “provide information to the President, the Congress, the judiciary, state, tribal, and local governments, and the general public on justice statistics.”<sup>12</sup> A robust dissemination program is essential to the execution of this statutory mandate. BJS uses its website for data dissemination, including public access to data releases of aggregate statistics in the form of updated time series, cross-tabulations of aggregated characteristics of respondents, analytic reports, briefs of key findings, and technical reports. Aggregated data are typically made available in spreadsheet format and through online tabulation tools.<sup>13</sup>

All micro (raw) data published under BJS’s authority and the related study documentation are made available to external parties at the University of Michigan’s National Archive of Criminal Justice Data (NACJD) for statistical and research purposes, though the level and format of access depends on the type of data being requested (see Section VII).

BJS follows established information dissemination practices, including those outlined in OMB’s *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies*<sup>14</sup> as well as those outlined in [BJS’s Data Quality Guidelines](#).

BJS also adheres to OMB’s *Statistical Policy Directive No. 4, Release and Dissemination of Statistical Products Produced by Federal Statistical Agencies*, and standards on dissemination of information products set forth in OMB’s *Statistical Policy Directive No. 2, Standards and Guidelines for Statistical Surveys*.

## VII. DATA ARCHIVAL PRACTICES

To encourage and support the facilitation of research in the field of criminal justice, BJS archives data at the NACJD. To the extent practical, BJS removes, masks, or collapses direct and indirect identifiers prior to sending data to NACJD to protect respondent confidentiality. In consultation with BJS, NACJD takes additional precautions to mitigate compromising the confidentiality of data, including conducting a comprehensive disclosure risk review to determine the appropriate level of security that should be applied to the data. In addition to the NACJD disclosure risk review, BJS may also request to suppress additional variables due to the sensitive nature of the data and/or to further protect confidentiality, if appropriate. Data that do not contain personally identifiable information are available for public access download. Prior to public release, NACJD routinely checks all data collections for conditions that could violate the confidentiality of data. NACJD protects respondent confidentiality by removing, masking, blanking, or collapsing direct or indirect variables and records within public-use versions of the dataset.

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<sup>12</sup> 34 U.S.C. § 10132(c)(10).

<sup>13</sup> Some older publications that are not machine readable may only be available on the BJS website via scanned pdf files.

<sup>14</sup> 67 Fed. Reg. 8,452 (February 22, 2002).



NACJD applies stringent security to restricted data where some risk of respondents' identity disclosure remains (e.g., variables used in conjunction with one another or linking to other data files) and provides four access options for these types of data: restricted access; physical data enclave; online analysis; virtual data enclave.<sup>15</sup> Prospective users of such data must follow NACJD's application and approval processes, including the submission of a research proposal and additional measures as required such as IRB approval or waiver, information about users of the data, a restricted data use agreement, and a data security plan. Additionally, users of data in the physical enclave must travel to the University of Michigan to analyze data on a NACJD computer in a secure room without internet and printer capabilities, and output is screened to ensure results are aggregated to a level that prevents individual identification.

BJS datasets stored at OJP and archived at the NACJD are periodically audited to determine if their security profiles have changed and protections need to be updated based on changes in policy, updates to OJP systems, or the availability of other linked data.

## **VIII. DATA DESTRUCTION PRACTICES**

BJS and its data collection agents follow federal regulations requiring the destruction of data containing identifiable information.<sup>16</sup> Where applicable, BJS complies with all federal government data destruction guidelines regarding the technical and physical wiping of data from servers and destruction of existing CD-ROMs or paper documents. BJS data collection agents are required to return or completely destroy any identifiable data collected on behalf of BJS upon delivery of the data to BJS and project completion.

## **IX. INCIDENT RESPONSE PROCEDURES**

DOJ has established incident response plans and notification procedures in the event of an actual or suspected data breach involving known loss of sensitive data and/or loss of any devices containing these data. These procedures apply to all BJS employees and its data collection agents, and all personally identifiable information PII regardless of format (e.g., paper, electronic, etc.).

In the event of a real or suspected data security incident by BJS or its data collection agents, BJS shall be required to –

- Notify, within one hour of discovery, the Justice Security Operations Center (JSOC) and appropriate DOJ officials.<sup>17</sup> The JSOC shall then report confirmed major incidents within one hour to the United States Computer Emergency Readiness Team (US-CERT)

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<sup>15</sup> The [NACJD website](#) provides specific details about its processes and requirements related to receiving and handling restricted data, including types of access and application requirements.

<sup>16</sup> 28 C.F.R. § 22.25.

<sup>17</sup> BJS contractors would be required to notify BJS within one hour of any security incidents that impact the FISMA-defined information systems that are used to collect, receive, handle, maintain, transfer, process, store, or disseminate data products in support of the project, including data files, reports, or working papers.

- Provide DOJ forensics and law enforcement personnel, including the DOJ Inspector General, access to media and devices required for investigation, as appropriate
- Assist with digital forensic and other investigations on electronic devices and/or associated media, as required
- Record the handling and transfer of media and devices to support forensic and other investigations.

In addition to establishing internal and external notification processes, the DOJ incident response procedures outline steps that BJS and its data collection agents can take to mitigate the potential risk from loss of personally identifiable information and actions individuals can routinely take to mitigate their risk. In the event of an incident by BJS involving such information, BJS may consult with the DOJ Core Management Team in developing appropriate mitigation options, including assessing the need to provide two additional measures of protection: an analysis to determine whether a particular data loss appears to be resulting in identify theft; and the provision of credit monitoring services to those impacted by the data incident.

The DOJ incident response procedures follow the requirements set forth in applicable federal statutes, policies, and regulations and DOJ orders, including: DOJ Order 0904, *Cybersecurity Program*; DOJ Order 2880.1C, *Information Resources Management Program*; DOJ Order 0900.00.01, *Incident Response Procedures for Data Breaches*; and OMB Memorandum M-07-16 *Safeguarding Against and Responding to the Breach of Personally Identifiable Information*. These procedures supplement the security and privacy requirements contained in the: DOJ Security Program Operating Manual; the DOJ Computer System Incident Response Plan; the Privacy Act of 1974; DOJ Order 3011.1A, *Compliance with the Privacy Requirements of the Privacy Act*, the E-Government Act of 2002; and the FISMA. DOJ is currently working to implement the requirements of [OMB Memorandum M-17-12, \*Preparing for and Responding to a Breach of Personally Identifiable Information\*](#).

## **X. INDEMNIFICATION**

Any person who unlawfully discloses personally identifiable information collected or maintained under BJS’s authority shall be in violation of, and punished under the provisions of, the confidentiality statutes referenced above in Section I. “Data Protections in Federal Statutes.”

BJS will not agree to insure, defend, or indemnify the data provider. BJS will, consistent with DOJ authorities, cooperate with the other party in the investigation and resolution of administrative claims and/or litigation arising from conduct related to the provisions of the separate data use agreement.

## **XI. BJS STATISTICAL STANDARDS AND PRACTICES**

Among BJS’s fundamental responsibilities as a statistical agency is its duty to protect the trust of information providers by ensuring the confidentiality and exclusive statistical use of their

responses.<sup>18</sup> As the nation’s premier source of reliable criminal justice data, BJS is committed to employing robust data security protocols and data stewardship practices to protect the privacy and confidentiality of the data collected and maintained.

To uphold public trust in the integrity of the data and ensure continued cooperation from data providers, BJS adheres to a set of statistical principles and practices<sup>19</sup> that guide its mission to compile, analyze, and disseminate information on crime, criminal offenders, victims of crime, and the operation of justice systems at all levels of government, including the –

- Commitment to quality and professional standards of practice
- Timely and wide dissemination of data
- Transparency about the sources of data and their limitations
- Coordination and cooperation with other statistical agencies
- Cooperation with data users
- Fair treatment of individuals, businesses, and institutions providing the data.

## **XI. BJS DATA QUALITY GUIDELINES**

BJS has implemented and published the [BJS Data Quality Guidelines](#) that govern all justice data that BJS produces and disseminates for the general public in accordance with the provisions of the [DOJ Information Quality Guidelines](#) and OMB government-wide guidance for information dissemination, including the Paperwork Reduction Act (44 U.S.C. § 3501 *et seq.*). The BJS Data Quality Guidelines apply to a wide variety of substantive information and dissemination activities and topics, including –

- Privacy and maintaining confidentiality of data
- Initiating surveys, censuses, and other data collections
- Survey design and data collections
- Data transparency, analysis, and processing
- Content and verification of BJS data

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<sup>18</sup> See, also, OMB M-15-03 *Statistical Policy Directive No. 1: Fundamental Responsibilities of Federal Statistical Agencies and Recognized Statistical Units*.

<sup>19</sup> The *BJS Statistical Principles and Practices* were informed by *Principles and Practices for a Federal Statistical Agency*, 5<sup>th</sup> edition, National Research Council (2013), issued by the National Research Council of the National Academy of Sciences, which has guided managerial and technical decisions made by national and international statistical agencies for decades.

- Dissemination.

The BJS Data Quality Guidelines were established to ensure and maximize the utility, objectivity, and integrity of the information BJS disseminates and to provide a framework under which BJS will provide persons an opportunity to seek and obtain correction of information maintained and disseminated by BJS that does not comply with these guidelines.

**Issue Date:** May 20, 2016

**Updated:** April 26, 2018

## **Appendix E**

**Phone script to introduce reporting year 2018 NCRP data collection**

## NCRP 2018 Data Collection Protocol and Interview Guide – CURRENTLY CONTRIBUTING STATES

### Prior to initial conversation with state:

- Get background information:
  - Review prior conversations with state (to re-familiarize yourself)
  - Get 2017 submission date (to identify target date for 2018 data)
  - Find out the NPS and APS contacts for the state
  - Look up what we are thanking them for (see NCRP points of contact.xls)
  - review Fact Sheet, to re-familiarize yourself with the state
  - Review data quality issues Jeremy and Ryan identified (see K:\Projects\NCRP\State Folders)
  - Significant, unexplained differences between NCRP and NPS or DOC annual report
- Determine what we need to ask them for
  - 2018 NCRP data
  - Other NCRP data: D records, ABD from prior years, additional ABD data elements, EF records
  - Approve/review Fact Sheet
- Email the primary contact to set up a time to talk. The purpose of the call will be to:
  - Talk about the 2018 data request.
  - Talk about improvements we have made to NCRP
  - Get your ideas on other improvements we can make to NCRP
- Record initial and follow-up attempts to reach POC on your tracking sheet.

### General outline conversation with primary point of contact (will vary depending on your relationship with the POC and the POC's familiarity with NCRP and our project)

- Confirm this is a good time to talk
- Thank them for what they did in 2018 (2017 data request, have list ready)
- Indicate we have made a number of improvements to NCRP over the past year. For example:
  - Construction of EF term records
  - More states are participating
  - New data quality controls; ABD term records
- Discuss the 2018 data request
  - Highlight what has changed for 2018 – request country of current citizenship and country of birth – reiterate that these items (as with all variables) are VOLUNTARY.
  - Confirm that they'll be able to submit 2018 data (e.g., not transitioning to a new system)
    - Set a target date for submission, based on what they did last year
  - If a new state, indicate that the includes and excludes are in the FAQ.
- In addition to getting 2018 data, we have other initiatives planned for 2019 and beyond that will improve the NCRP
  - [as appropriate] data linkage to external federal sources if permitted by the states
  - [as appropriate] want to fill in the holes from prior years – see if they can submit old data
  - [as appropriate] want to get additional data elements – see if they can do this
  - [as appropriate] want to get EF records – see if they can submit EF records for the first time.

- [as appropriate] want to re-design of how NCRP does parole/PCCS – as appropriate, ask parole/PCCS questions, identify who to talk with, or set up time to talk with the POC about this
- Ask them if they have any questions about NCRP.
- Confirm next steps for them (e.g., submit 2018 data, then submit old data)
- Indicate what you will be sending to them (see list below)
  - Ask them if they prefer the materials mailed or emailed
  - Ask them what pieces of the mailing should be sent to others (above or below them) – confirm contact information. Ask about other persons in our state contact list.
- Thank them for participating in NCRP

### **After the initial conversation**

- Record the date of the conversation on your tracking sheet
- Within 2 days of the call, prepare the materials to be mailed (or emailed) to them
  - Data request materials
    - BJS cover letter: add POC name and address, save in K:\Projects\NCRP\2018 Data Collection\Materials sent to states\[state name], print on BJS letterhead
    - Abt cover letter: add POC name and address, customize depending on what they did last year and what they agreed to do in 2019, save in K:\Projects\NCRP\2018 Data Collection\Materials sent to states\[state name], print on Abt letterhead
    - FAQ
  - Use hand-addressed Abt (9x12) envelope, if mailing
- *Tom reviews the materials before sending*
- Mail (1<sup>st</sup> class) or email
- Record date of mailing on your tracking sheet
- Send NCRP Newsletter to other state contacts, as appropriate

### **If data are not received by March 31, 2019**

- Check tracking sheet to see whether they previously said they would be late submitting data (e.g., because of legislative session work)
- Email point of contact (customize this email depending on your relationship with the contact):
  - “We are checking back with you on the status of our request for 2018 NCRP data. You had earlier indicated to us that you would be able to submit these data by March 31, 2019. Please contact me if you have any questions. Thank you again for participating in NCRP.”
- Record email on tracking sheet
- Follow-up if no response in 2-3 days
- Record response on tracking sheet

## **Appendix F**

**Introductory letter from BJS to data respondents for collection of 2018 NCRP data**





**U.S. Department of Justice**

Office of Justice Programs

*Bureau of Justice Statistics*

*Washington, D.C. 20531*

---

**DATE**

**Name**

**Agency**

**Address**

**City**

**State, zip**

Dear \_\_\_\_\_:

I am writing to request your continued participation in the National Corrections Reporting Program (NCRP). Data are now being collected for the 2018 reporting year by Abt Associates, our data collection agent. We ask that if possible, states submit data by **March 31, 2019**. The Bureau of Justice Statistics (BJS) very much appreciates your past participation in NCRP.

BJS will maintain the confidentiality of your personally identifiable information, and will protect it to the fullest extent under federal law. BJS, BJS employees, and BJS data collection agents will use the information for statistical purposes only, and will not disclose the information in identifiable form to anyone outside of the BJS project team without your consent. All data collected under BJS's authority are protected under the confidentiality provisions of 34 U.S.C. § 10132, and 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 (codified in relevant part at 6 U.S.C. § 151), federal information systems are protected from malicious activities through cybersecurity screening of transmitted data. For more information on the federal statutes, regulations, and other authorities that govern how BJS, BJS employees, and data collection agents use, handle, and protect your information, see the BJS Data Protection Guidelines at

[https://www.bjs.gov/content/pub/pdf/BJS\\_Data\\_Protection\\_Guidelines.pdf](https://www.bjs.gov/content/pub/pdf/BJS_Data_Protection_Guidelines.pdf).

The NCRP collection underwent its 3-year clearance review by the Office of Management and Budget in 2018 and was approved (OMB Control No: 1121-0065; Expiration Date: 10/31/2021). You may read the application and review comments at the NCRP page at the OMB website (<https://www.reginfo.gov/public/do/PRAOMBHistory?ombControlNumber=1121-0065>).

To meet a Department of Justice request that BJS provide more statistics on citizenship status of prisoners, BJS received OMB clearance to add the following variables for the 2018 data year: country of current citizenship, country of birth, and whether the prisoner is currently a U.S. citizen. As always, submission of these items is voluntary. If your DOC does not feel comfortable providing these items, or provision of these items would cause undue burden, please feel free to not submit them.

In addition, BJS is removing 7 variables from the NCRP collection due to recent poor response rates and/or high levels of missing data. If it would be overly burdensome to remove these variables from your extract program, you may continue to submit them with your NCRP data, but BJS will not use the information. These variables are:

- Prior prison time served by the offender
- Additional offenses since admission date
- Additional sentence time since admission date
- Whether the offender was on AWOL or escape while serving sentences
- Whether the offender was serving time concurrently on community release prior to prison release
- The number of days on community release prior to prison release served by the offender
- Offender's supervision status prior to release from post-custody community supervision

Again this year BJS intends to extend the utility of NCRP data by linking it to other federal and state datasets to produce national estimates of prisoner and former prisoner economic, social, and health characteristics. If you provide prisoner names and/or social security information, BJS will transfer the data to the Census Bureau's Center for Administrative Records Research and Applications (CARRA; <https://www.census.gov/ces/researchprograms/workingatcarra.html>) for linkage. The attached FAQ describes the linkage process and destruction of personally identifiable information (PII). Statistics generated from these linked records may include estimates of post-prison mortality, employment and wages, government benefits and health insurance enrollment, or residential mobility. BJS does not intend to publish estimates of these measures at the state level or call out individual states, although in some cases BJS may group several states by population size, sentencing statutes, whether the state can impose the death penalty, etc. ***No other federal agency or individual will have access to NCRP data while they are at CARRA without written BJS approval and only after passing a background investigation and extensive training on data security and confidentiality.***

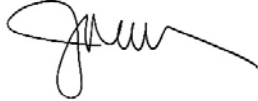
If you **do not** wish for your data to be linked, please inform the BJS Corrections Unit Chief, Ann Carson ([Elizabeth.Carson@ojp.usdoj.gov](mailto:Elizabeth.Carson@ojp.usdoj.gov), (202) 616-3496), by January 31, 2019.

Finally, we would like to remind you that if you are the respondent for other annual BJS data collections, you will receive separate cover letters for these collections, which may include the National Prisoner Statistics (NPS), Annual Probation and Parole Surveys (APS), Capital Punishment, and Mortality in Correctional Institutions (MCI; formerly the Deaths in Custody Reporting Program).

We truly appreciate the amount of time and energy that you expend in providing us these data. Without your assistance, BJS would not be able to provide comprehensive and accurate statistics on the correctional populations in the United States.

If you have any questions about the NCRP or this data request, please feel free to contact the Abt Project Director, Tom Rich, at (617) 349-2753 or [Tom\\_Rich@abtassoc.com](mailto:Tom_Rich@abtassoc.com) or the BJS Corrections Unit Chief, Ann Carson at (202) 616-3496 or [elizabeth.carson@ojp.usdoj.gov](mailto:elizabeth.carson@ojp.usdoj.gov). Once again, many thanks for your participation in BJS's NCRP program.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Mulrow', with a long horizontal flourish extending to the right.

Jeri M. Mulrow  
Principal Deputy Director  
Bureau of Justice Statistics

## **Appendix G**

**Introductory letter from data collection agent to data respondents for collection of 2018 NCRP data**



January 3, 2019

Dr. \_\_\_\_\_  
\_\_\_\_\_ Department of Corrections

Dear \_\_\_\_\_:

On behalf of the Bureau of Justice Statistics (BJS), I want to thank you for participating in the National Corrections Reporting Program (NCRP).

[In last year's submission, you provided a new NCRP variable – the Offender's Last Known Address. Thank you very much for doing this. We were able to geocode the addresses, and are happy to provide the geo-coordinates back to you so that you can do your own geographic analyses. Please see the attached sheet for more information.]

This year, we are requesting that you submit 2018 Parts \_\_\_\_\_. Data request instructions and submission procedures are attached. Please note that BJS is requesting new variables this year: country of prisoner's birth, country of prisoner's current citizenship, and if the prisoner is currently a U.S. citizen (yes/no). As always, BJS stresses that the submission of these items, along with all variables on NCRP, is voluntary. If your DOC does not feel comfortable providing these items, or provision of these items would cause undue burden, please feel free to not submit them.

BJS has also decided to remove 7 variables that have been collected for a number of years, but which have high rates of missing data. These variables are listed in BJS's letter, as well as in the data request instructions attached.

If possible, we would appreciate receiving these data by March 31, 2019.

I also want to call your attention to the attached BJS letter and BJS Data Protection Guidelines. The BJS letter contains some important information about BJS's plans to link NCRP data to other federal administrative data sets, via the Census Bureau's CARRA system. The Data Protection Guidelines describe the federal statutes and regulations that govern how BJS and Abt use, handle, and protect your NCRP data.

If you have any questions about NCRP or this data request, please contact me at **your phone number** or **your email**. Again, we greatly appreciate your efforts.

Sincerely,

**Tom Rich**  
NCRP Site Liaison

## **Appendix H**

**Instructions for NCRP data submission, reporting year 2018**



# 2018 NCRP Data Request Instructions

## Prison and Post Confinement Community Supervision Records (Parts A, B, D, E, and F)

OMB Control No: 1121-0065  
Expiration Date: 10/31/2021

June 2018

*Contacts:*

Tom Rich  
NCRP Project Director  
and Site Liaison  
617-349-2753  
tom\_rich@abtassoc.com

Michael Shively  
NCRP Site Liaison  
617-520-3562  
michael\_shively@abtassoc.com



**Abt Associates Inc.**  
10 Fawcett St.  
Cambridge, MA 02138

# 2018 NCRP Data Request Instructions

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## Overview

The National Corrections Reporting Program (NCRP) collects offender-level information from state departments of correction and community supervision on admissions to and releases from prisons and post confinement community supervision. Abt Associates is the NCRP data collection agent for the Bureau of Justice Statistics, the federal agency that administers NCRP. BJS has administered NCRP since 1983. Contact your **NCRP site liaison** (Tom Rich, at [tom\\_rich@abtassoc.com](mailto:tom_rich@abtassoc.com) or 617-349-2753 or Mike Shively, at [michael\\_shively@abtassoc.com](mailto:michael_shively@abtassoc.com) or 617-520-3562) for more information. Or visit the NCRP website at [www.ncrp.info](http://www.ncrp.info).

### For 2018, states are asked to submit three prison files:

- Prison Admissions (Part A): one record for each *admission* of a sentenced offender to the state's prison system during calendar year 2018.
- Prison Releases (Part B): one record for each *release* of a sentenced offender from the state's prison system during calendar year 2018.
- Prison Custody (Part D): one record for each sentenced *offender* in the physical custody of the state's prison system on December 31, 2018.

### For 2018, states are also asked to submit two post-confinement community supervision (PCCS) files:

- Post Confinement Community Supervision<sup>1</sup> Admissions (Part E): one record for each *admission* to a post-confinement community supervision program during calendar year 2018.
- Post Confinement Community Supervision Releases (Part F): one record for each *release* from a post-confinement community supervision program during calendar year 2018.

The detailed instructions below for Parts A, B, D, E, and F include the NCRP definitions of admissions, releases, and other terminology. The NCRP definitions may vary from the definitions your state uses.

## What's New for 2018

There are three new variables in the 2018 request:

- Whether the offender is a **citizen of the United States** (prison admission and stock records).
- The offender's **country of current citizenship** (prison admission and stock records).
- The offender's **country of birth** (prison admission and stock records).

The US Department of Justice has made the citizenship of prisoners a priority item for data collection. As with all other BJS data, these data will not be used for enforcement purposes, but rather to better describe the state prison population. While country of birth does not necessarily match current

---

<sup>1</sup> Post Confinement Community Supervision means sentenced offenders serving a period of community supervision immediately after release from prison.

citizenship, collection of this element will allow BJS to better understand whether country of birth is a good proxy for citizenship. *As with all NCRP variables, states may decide not to include these three new variables in their NCRP submission.*

BJS has also decided to remove 7 variables that have had poor response rates in the past. *If you have been providing these data and it is too burdensome to modify your data extraction programs to remove them, you may continue to provide them, however, BJS will not explicitly request them in this document.* These variables are:

- **Prior prison** time served by the offender (Variable 12; Parts A, B, and D).
- **Additional offenses since admission date** committed by the offender (Variable 18; Parts B and D)
- **Additional sentence time since admission date** to be served by the offender (Variable 19; Parts B and D)
- Whether the offender was on **AWOL or Escape** while serving sentences (Variable 21; Part B).
- Whether the offender was serving time concurrently on **community release prior to prison release** (Variable 22a; Part B).
- The **number of days on community release prior to prison release** served by the offender (Variable 22b; Part B).
- Offender's **supervision status prior to release from PCCS** (Variable 28; Part F).

In addition, if you were not able to include in your 2017 submission any of the new variables from 2015, please try to include them in your 2018 submission. The new variables from the 2015 request were:

- The offender's **Social Security Number** (all five Parts).
- The offender's **last known address prior to incarceration** (Parts A and E).
- The offender's **custody level** at year-end (Part D).

If your agency requires additional information or a signed Data Use Agreement before including SSNs or the last known address in your NCRP submission, please contact your Abt Associates site liaison.

## General Data Submission Instructions

### Is there a required format or coding scheme for the data?

- There is no required format or file type for the data you submit; use whatever is most convenient for you.
- There is no required set of codes for the categorical NCRP variables (e.g., race, prison admission type). The documentation in this manual includes suggested "NCRP format" codes, but you can

use whatever internal codes your agency uses. As necessary, Abt will re-code your internal agency codes into the standardized NCRP codes.

### **What if I am unable to provide all the requested data?**

- If your agency does not collect one or more of the requested data elements or providing them would be an excessive burden (or is not allowed under agency policy), those data elements do not have to be included in the data submission. The instructions for each Part also highlight the “core” data elements that are most important to NCRP.

### **When is the data submission due?**

- The target date for submitting NCRP data is March 31<sup>st</sup>, but we understand that agency constraints in many states preclude meeting that target date. The Abt site liaison will work with each state to set a realistic target date.

### **How do I send the data to Abt Associates?**

- The preferred method for submitting data is via the NCRP data transfer site (transfer.abtassoc.com). This site is compliant with FIPS (Federal Information Processing Standard) 140-2 and meets all the requirements of the Federal Information Security Management Act (FISMA) and the Privacy Act. The data are automatically encrypted during transit.
- When you are ready to submit data, contact your NCRP site liaison<sup>2</sup> to obtain a unique username and password for the transfer portal, or to make other submission arrangements. Please protect your transfer portal username and password. Instructions on how to use the transfer site are available from your Abt site liaison.

### **What happens after we submit data?**

- Abt will verify the contents of the data files and conduct a series of validity checks on the data (including comparing the submitted data to your submissions from prior years). Typically, this will be accomplished within 1-3 weeks of receipt of your data. Your Abt site liaison will then contact you to review the findings. Having a thorough understanding of what data you submit is necessary in order to construct valid and reliable national NCRP datasets.

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<sup>2</sup> Tom Rich, at tom\_rich@abtassoc.com or 617-349-2753, or Mike Shively, at michael\_shively@abtassoc.com or 617-520-3562

## Part A (Prison Admissions) Instructions

The data file you produce for Part A should contain **one data record for each admission of a sentenced inmate to your prison system during 2018, regardless of sentence length or jurisdiction.**

NCRP defines admissions as including:

- new court commitments;
- revocations from probation, parole, or other types of post-confinement community supervision;
- transfers from other jurisdictions;
- escape or AWOL returns;
- returns from appeal or bond.

**Include** in Part A:

- Admissions of sentenced inmates to your prison facilities.<sup>3</sup>
- Admissions of sentenced inmates under your jurisdiction to county or local jails.
- Admissions of sentenced inmates under your jurisdiction to in-state private prisons, including both privately owned facilities and facilities operated by a private entity under contract to the state.

**Exclude** from Part A:

- Admissions of sentenced inmates to one of your prison facilities who are being transferred from another one of your prison facilities.
- Inmates re-entering a prison facility after a temporary leave of 30 days or less (e.g., for a court appearance, funeral furlough, or medical care).
- Admissions of sentenced inmates under your jurisdiction to Federal facilities, another state's facilities, or out-of-state private facilities.
- Admissions of unsentenced inmates to your prison facilities (e.g., inmates awaiting trial, civil commitments)

The variables requested in the Part A data set are listed on the next page. Most of these variables are also in the Part B and D requests. Refer to the Appendix for additional information on these variables.

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<sup>3</sup> Prison facilities include prisons, penitentiaries, and correctional institutions; boot camps; prison farms; reception, diagnostic, and classification centers; release centers, halfway houses, and road camps; forestry and conservation camps; vocational training facilities; prison hospitals; and drug and alcohol treatment facilities for prisoners. For inmates under home confinement, a private residence is not considered a prison facility.

**The Part A (Prison Admissions) variables are listed below in the table.** If you have limited resources for responding to this data request, please focus on the **core variables**. Additional information on the variables is in the Appendix.

Category	#	Name	Definition	Core Variable
<b>Offender</b>	2	Inmate ID Number	A unique number that identifies an offender within the agency for this admission and all subsequent admissions.	✓
	30	State ID Number	The offender's unique, fingerprint-supported state identification number	✓
	39	FBI Number	The unique identification number given by the Federal Bureau of Investigation/ Interstate Identification Index to each offender	✓
	36	First Name	The offender's first name	✓
	37	Last Name	The offender's last name	✓
	3	Date of Birth	The offender's date of birth	✓
	4	Sex	The offender's biological sex	✓
	5	Race	The offender's race	✓
	6	Hispanic Origin	Is the offender of Hispanic origin?	✓
	7	Highest Grade Completed	The highest academic grade level the offender completed prior to admission to prison on the current sentence	
	40	Prior Military Service	Did the offender ever served in the U.S. Armed Forces?	✓
	41	Date of Last Military Discharge	The date the offender was discharged from the U.S. Armed Forces for the final time	✓
	42	Type of Last Military Discharge	The type of discharge the inmate received from the U.S. Armed Forces	✓
	46	SSN	The offender's Social Security Number	✓
	47	Last Known Address	The offender's last known address prior to incarceration	✓
	<b>Sentence</b>	49	US Citizen	Whether the offender is a citizen of the US
50		Country of citizenship	The offender's current country of citizenship	
51		Country of birth	The offender's country of birth	
1		County in Which Sentence was Imposed	The county where the court imposing the current sentence is located	✓
	11	Prior Jail Time	The length of time served in jail prior to the date of admission (Variable 8) and credited to prison service for the current sentence	

Category	#	Name	Definition	Core Variable
	13	Offenses	Crime(s) for which the offender was admitted to prison on the current sentence(s), including the number of counts for each offense.	✓
	14a	Offense with Longest Maximum Sentence	Of the crimes coded in Variable 13, the ONE crime for which the inmate received the longest sentence	✓
	14b	Sentence Length for Variable 14a Offense	The maximum sentence as stated by the court that the offender is required to serve for the offense listed in Variable 14a	✓
	15	Total Maximum Sentence Length	The longest length of time as stated by the court that the offender could be required to serve for all offenses specified in Variable 13 (Offenses)	✓
	31a	Indeterminate Sentence	Does the total maximum sentence (Variable 15) include an indeterminate sentence?	
	31b	Determinant Sentence	Does the total maximum sentence (Variable 15) include a determinate sentence?	
	31c	Mandatory Minimum Sentence	Does the total maximum sentence (Variable 15) include a mandatory minimum sentence?	
	31d	Truth in Sentencing Law Restriction	Is the total maximum sentence (Variable 15) restricted by a Truth in Sentencing Law mandating that a certain percentage of the court- imposed sentence be served in prison?	
	32	Length of Court-Imposed Sentence to Community Supervision	The amount of time which the court states that the offender is required to serve under community supervision after release from prison	
<b>Prison Admission</b>	8	Date of Admission to Prison	The most recent date the offender was admitted into the custody of the state prison system on the current sentence	✓
	9	Type of Admission to Prison	The reason an offender entered into the physical custody of a correctional facility on the date provided in Variable 8 (Admission Date) of the current record	✓
	10	Jurisdiction on Date of Admission	The state with the legal authority to enforce the prison sentence	✓



Category	#	Name	Definition	Core Variable
	17	Location where Offender is to Serve Sentence	The type of facility in which the offender will be incarcerated to serve time for his/her crime.	
<b>Anticipated Release from Prison</b>	33	Parole Hearing/Eligibility Date	The date the offender is eligible for review by an administrative agency such as a parole board, to determine whether he or she will be released from prison	
	34	Projected Release Date	The projected date on which the offender will be released from prison	
	35	Mandatory Release Date	The date the offender by law must be conditionally released from prison	

## Part B (Prison Releases) Instructions

The data file you produce for Part B should contain **one data record for each release of a sentenced inmate from your prison system during 2018, regardless of sentence length or jurisdiction.**

NCRP defines releases as including:

- conditional releases from prison to parole, probation, or other forms of post-confinement community supervision;
- unconditional releases;
- releases or transfers to other authorities;
- deaths;
- releases on appeal or bond if credit for time served is not given while on release;
- escapes from custody.

**Include** in Part B:

- Releases of sentenced inmates from your prison facilities<sup>4</sup>, regardless of jurisdiction or sentence length.
- Releases of sentenced inmates under your jurisdiction from county or local jails.
- Releases of sentenced inmates under your jurisdiction from in-state private prisons, including both privately owned facilities and facilities operated by a private entity under contract to the state.

**Exclude** from Part B:

- Sentenced inmates who are being transferred from one of your facilities to another one of your prison facilities.
- Temporary releases of sentenced inmates of 30 days or less (e.g., for a court appearance, funeral furlough, or medical care).
- Releases of sentenced inmates under your jurisdiction from Federal facilities, another state's facilities, or out-of-state private facilities.
- Releases of unsentenced inmates from your prison facilities (e.g., inmates awaiting trial, civil commitments)

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<sup>4</sup> Prison facilities include prisons, penitentiaries, and correctional institutions; boot camps; prison farms; reception, diagnostic, and classification centers; release centers, halfway houses, and road camps; forestry and conservation camps; vocational training facilities; prison hospitals; and drug and alcohol treatment facilities for prisoners. For inmates under home confinement, a private residence is not considered a prison facility.

The variables requested in the Part B data set are listed on the next page. Most of these variables are also in the Part A and D requests. Refer to the Appendix for additional information on these variables.

**The Part B (Prison Releases) variables are listed below in the table.** If you have limited resources for responding to this data request, please focus on the **core variables**. Additional information on the variables is in the Appendix.

Category	#	Name	Definition	Core Variable
<b>Offender</b>	2	Inmate ID Number	A unique number that identifies an offender within the agency for this admission and all subsequent admissions.	✓
	30	State ID Number	The offender's unique, fingerprint-supported state identification number	✓
	39	FBI Number	The unique identification number given by the Federal Bureau of Investigation/ Interstate Identification Index to each offender	✓
	36	First Name	The offender's first name	✓
	37	Last Name	The offender's last name	✓
	3	Date of Birth	The offender's date of birth	✓
	4	Sex	The offender's biological sex	✓
	5	Race	The offender's race	✓
	6	Hispanic Origin	Is the offender of Hispanic origin?	✓
	7	Highest Grade Completed	The highest academic grade level the offender completed prior to admission to prison on the current sentence	
	40	Prior Military Service	Did the offender ever served in the U.S. Armed Forces?	✓
	41	Date of Last Military Discharge	The date the offender was discharged from the U.S. Armed Forces for the final time	✓
	42	Type of Last Military Discharge	The type of discharge the inmate received from the U.S. Armed Forces	✓
	20	Prior Felony Incarcerations	Was the offender ever sentenced to confinement for a felony as a juvenile or adult prior to his/her current prison admission?	
	46	SSN	The offender's Social Security Number	✓
<b>Sentence</b>	1	County in Which Sentence was Imposed	The county where the court imposing the current sentence is located	✓
	11	Prior Jail Time	The length of time served in jail prior to the date of admission (Variable 8) and credited to prison service for the current sentence	
	13	Offenses	Crime(s) for which the offender was admitted to prison on the current sentence(s), including the number of counts for each offense.	✓

Category	#	Name	Definition	Core Variable
	14a	Offense with Longest Maximum Sentence	Of the crimes coded in Variable 13, the ONE crime for which the inmate received the longest sentence	✓
	14b	Sentence Length for Variable 14a Offense	The maximum sentence as stated by the court that the offender is required to serve for the offense listed in Variable 14a	✓
	15	Total Maximum Sentence Length	The longest length of time as stated by the court that the offender could be required to serve for all offenses specified in Variable 13 (Offenses)	✓
	31a	Indeterminate Sentence	Does the total maximum sentence (Variable 15) include an indeterminate sentence?	
	31b	Determinant Sentence	Does the total maximum sentence (Variable 15) include a determinate sentence?	
	31c	Mandatory Minimum Sentence	Does the total maximum sentence (Variable 15) include a mandatory minimum sentence?	
	31d	Truth in Sentencing Law Restriction	Is the total maximum sentence (Variable 15) restricted by a Truth in Sentencing Law mandating that a certain percentage of the court- imposed sentence be served in prison?	
	32	Length of Court-Imposed Sentence to Community Supervision	The amount of time which the court states that the offender is required to serve under community supervision after release from prison	
<b>Admission to Prison</b>	8	Date of Admission to Prison	The most recent date the offender was admitted into the custody of the state prison system on the current sentence	✓
	9	Type of Admission to Prison	The reason an offender entered into the physical custody of a correctional facility on the date provided in Variable 8 (Admission Date) of the current record	✓
	10	Jurisdiction on Date of Admission	The state with the legal authority to enforce the prison sentence	✓
	17	Location where Offender is to Serve Sentence	The type of facility in which the offender will be incarcerated to serve time for his/her crime.	

Category	#	Name	Definition	Core Variable
Release from prison	23a	Date of Release from Prison	The most recent calendar date that the state's prison custody terminated	✓
	25	Type of Release from Prison	The method of, or reason for, departure from the custody of your prison system on the reported date of release	✓
	23b	Location at Time of Prison Release	The type of facility that had been used for the custody or care of the offender just prior to release	
	24	Agencies Assuming Custody at Time of Prison Release	The type and location of agency that assumes custody (physical or supervisory) over an inmate's freedom at the time of prison release	

## Part D (Prison Custody) Instructions

The data file you produce for Part D should contain **one data record for each sentenced inmate under physical custody, regardless of sentence length or jurisdiction, on December 31, 2018.**

**Include** in Part D:

- Sentenced inmates in your prison facilities<sup>5</sup>, regardless of jurisdiction or sentence length.
- Sentenced inmates under your jurisdiction held in county or local jails.
- Sentenced inmates under your jurisdiction held in in-state or out-of-state private prisons, including both privately owned facilities and facilities operated by a private entity under contract to the state.
- Any inmate in the above categories who was temporarily released (less than 30 days) from a facility.

**Exclude** from Part D:

- Sentenced inmates under your jurisdiction held in Federal facilities or another state's facilities.
- Unsentenced inmates held in your prison facilities (e.g., civil commitments, inmates awaiting trial).
- Inmates who have escaped and are not in custody.

The variables requested in the Part D data set are listed on the next page. Most of these variables are also in the Part A and B requests. Refer to the Appendix for additional information on these variables.

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<sup>5</sup> Prison facilities include prisons, penitentiaries, and correctional institutions; boot camps; prison farms; reception, diagnostic, and classification centers; release centers, halfway houses, and road camps; forestry and conservation camps; vocational training facilities; prison hospitals; and drug and alcohol treatment facilities for prisoners. For inmates under home confinement, a private residence is not considered a prison facility.

**The Part D (Prison Custody) variables are listed below in the table.** If you have limited resources for responding to this data request, please focus on the **core variables**. Additional information on the variables is in the Appendix.

Category	#	Name	Definition	Core Variable
Offender	2	Inmate ID Number	A unique number that identifies an offender within the agency for this admission and all subsequent admissions.	✓
	30	State ID Number	The offender's unique, fingerprint-supported state identification number	✓
	39	FBI Number	The unique identification number given by the Federal Bureau of Investigation/ Interstate Identification Index to each offender	✓
	36	First Name	The offender's first name	✓
	37	Last Name	The offender's last name	✓
	3	Date of Birth	The offender's date of birth	✓
	4	Sex	The offender's biological sex	✓
	5	Race	The offender's race	✓
	6	Hispanic Origin	Is the offender of Hispanic origin?	✓
	7	Highest Grade Completed	The highest academic grade level the offender completed prior to admission to prison on the current sentence	
	40	Prior Military Service	Did the offender ever served in the U.S. Armed Forces?	✓
	41	Date of Last Military Discharge	The date the offender was discharged from the U.S. Armed Forces for the final time	✓
	42	Type of Last Military Discharge	The type of discharge the inmate received from the U.S. Armed Forces	✓
	20	Prior Felony Incarcerations	Was the offender ever sentenced to confinement for a felony as a juvenile or adult prior to his/her current prison admission?	
	46	SSN	The offender's Social Security Number	✓
	49	US Citizen	Whether the offender is a citizen of the US	
50	Country of citizenship	The offender's current country of citizenship		
51	Country of birth	The offender's country of birth		
Sentence	1	County in Which Sentence was Imposed	The county where the court imposing the current sentence is located	✓



Category	#	Name	Definition	Core Variable
	11	Prior Jail Time	The length of time served in jail prior to the date of admission (Variable 8) and credited to prison service for the current sentence	
	13	Offenses	Crime(s) for which the offender was admitted to prison on the current sentence(s), including the number of counts for each offense.	✓
	14a	Offense with Longest Maximum Sentence	Of the crimes coded in Variable 13, the ONE crime for which the inmate received the longest sentence	✓
	14b	Sentence Length for Variable 14a Offense	The maximum sentence as stated by the court that the offender is required to serve for the offense listed in Variable 14a	✓
	15	Total Maximum Sentence Length	The longest length of time as stated by the court that the offender could be required to serve for all offenses specified in Variable 13 (Offenses)	✓
	31a	Indeterminate Sentence	Does the total maximum sentence (Variable 15) include an indeterminate sentence?	
	31b	Determinant Sentence	Does the total maximum sentence (Variable 15) include a determinate sentence?	
	31c	Mandatory Minimum Sentence	Does the total maximum sentence (Variable 15) include a mandatory minimum sentence?	
	31d	Truth in Sentencing Law Restriction	Is the total maximum sentence (Variable 15) restricted by a Truth in Sentencing Law mandating that a certain percentage of the court- imposed sentence be served in prison?	
	32	Length of Court-Imposed Sentence to Community Supervision	The amount of time which the court states that the offender is required to serve under community supervision after release from prison	
<b>Prison Admission</b>	8	Date of Admission to Prison	The most recent date the offender was admitted into the custody of the state prison system on the current sentence	✓
	9	Type of Admission to Prison	The reason an offender entered into the physical custody of a correctional facility on the date provided in Variable 8 (Admission Date) of the current record	✓
	10	Jurisdiction on Date of Admission	The state with the legal authority to enforce the prison sentence	✓

Category	#	Name	Definition	Core Variable
	17	Location where Offender is to Serve Sentence	The type of facility in which the offender will be incarcerated to serve time for his/her crime.	
<b>Anticipated Release from Prison</b>	33	Parole Hearing/Eligibility Date	The date the offender is eligible for review by an administrative agency such as a parole board, to determine whether he or she will be released from prison	
	34	Projected Release Date	The projected date on which the offender will be released from prison	
	35	Mandatory Release Date	The date the offender by law must be conditionally released from prison	
<b>Facility</b>	38	Facility Name	Name of the facility holding the offender at year-end	✓
	48	Custody Level	The custody level to which the offender is assigned at year-end	✓

## Part E (Post Confinement Community Supervision Admissions) Instructions

The data file you produce for Part E should contain **one data record for each admission of an offender to a term of post-confinement community supervision (PCCS) to your state during 2018**. PCCS means sentenced offenders serving a period of community supervision immediately after release from prison. Only include admissions to PCCS of offenders under the legal authority of your state; do not include interstate compact cases in which only supervisory responsibility is transferred to your state but legal authority is retained by another state.

### Include in Part E:

- Admissions to community supervision for the purpose of completing a prison term in the community. Most states refer to this as parole; your state may use other terminology. Examples include:
  - An offender is released from a prison facility by the decision of a parole board or other authority to the caseload of a community supervision authority (e.g., parole agency, probation agency, corrections department). Most states call this a discretionary prison release.
  - An offender has a mandatory release from prison to the caseload of a community supervision authority (e.g., parole agency, probation agency, corrections department).
- Admissions to community supervision resulting from a community supervision sentence that begins immediately upon release from prison. This includes what some states refer to as a split sentence or shock probation. Examples include:
  - An offender begins serving a court-imposed sentence of community supervision following release from prison.
- Re-admissions to community supervision following a revocation from community supervision and a subsequent release from prison to complete the sentence in the community.
- Admissions of offenders to community supervision in your state following a term of confinement in another state when that state transfers legal authority of the offender to your state.

### Exclude from Part E:

- Admissions to community supervision that are not immediately preceded by a term of confinement.
- Admissions to prison facilities.<sup>6</sup>

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<sup>6</sup> Prison facilities include prisons, penitentiaries, and correctional institutions; boot camps; prison farms; reception, diagnostic, and classification centers; release centers, halfway houses, and road camps; forestry and conservation camps; vocational training facilities; prison hospitals; and drug and alcohol treatment facilities for prisoners.

- Inmates re-entering parole or supervised release after a leave that was NOT a revocation.
  - Example: An offender serving a term of supervision is picked up on a technical violation and sent back to prison for a “shock” term. The offender is never released from supervision and the supervising agency has jurisdiction over the offender the entire time.
- Interstate compact cases where only supervisory responsibility is transferred to your state but legal jurisdiction is retained by another state.

The variables requested in the Part E data set are listed below. Refer to the Appendix for additional information on these variables.

**The Part E (Post-Confinement Community Supervision Admissions) variables are listed below in the table.** If you have limited resources for responding to this data request, please focus on the **core variables**. Additional information on the variables is in the Appendix.

Category	#	Name	Definition	Core Variable
<b>Offender</b>	2	Inmate ID Number	A unique number that identifies an offender within the agency for this admission and all subsequent admissions.	✓
	30	State ID Number	The offender's unique, fingerprint-supported state identification number	✓
	39	FBI Number	The unique identification number given by the Federal Bureau of Investigation/ Interstate Identification Index to each offender	✓
	36	First Name	The offender's first name	✓
	37	Last Name	The offender's last name	✓
	3	Date of Birth	The offender's date of birth	✓
	4	Sex	The offender's biological sex	✓
	5	Race	The offender's race	✓
	6	Hispanic Origin	Is the offender of Hispanic origin?	✓
	7	Highest Grade Completed	The highest academic grade level the offender completed prior to admission to prison on the current sentence	
	40	Prior Military Service	Did the offender ever served in the U.S. Armed Forces?	✓
	41	Date of Last Military Discharge	The date the offender was discharged from the U.S. Armed Forces for the final time	✓
	42	Type of Last Military Discharge	The type of discharge the inmate received from the U.S. Armed Forces	✓
	46	SSN	The offender's Social Security Number	✓
	47	Last Known Address	The offender's last known address prior to incarceration	✓
	49	US Citizen	Whether the offender is a citizen of the US	
	50	Country of citizenship	The offender's current country of citizenship	
51	Country of birth	The offender's country of birth		
<b>Sentence</b>	1	County in Which Sentence was Imposed	The county where the court imposing the current sentence is located	✓
	13	Offenses	Crime(s) for which the offender was admitted to prison on the current sentence(s)	✓

Category	#	Name	Definition	Core Variable
Release from Prison	23a	Date of Release from Prison	The most recent calendar date that the state's prison custody terminated	✓
	25	Type of Release from Prison	The method of, or reason for, departure from the custody of your prison system on the reported date of release	✓
	24	Agencies Assuming Custody at Time of Prison Release	The type and location of the agency that assumes custody (physical or supervisory) over an inmate's freedom at the time of prison release	
Admission to PCCS	43	Date of Admission to Post-Confinement Community Supervision	The date an offender entered into post-confinement community supervision	✓
	44	Type of Admission to Post-Confinement Community Supervision	The reason an offender entered into post-confinement community supervision on the date provided in Variable 43 (Date of Admission to Post-Confinement Community Supervision) of the current record	✓

## Part F (Post-Confinement Community Supervision Releases) Instructions

The data file you produce for Part F should contain **one data record for each release of an offender serving a term of post-confinement community supervision (PCCS) during 2018**. PCCS means sentenced offenders serving a period of community supervision immediately after release from prison. Only include releases from PCCS of offenders under the legal jurisdiction of your state; do not include interstate compact cases in which your state only had supervisory responsibility and another state retained legal jurisdiction over the offender.

NCRP defines PCCS releases as including:

- Discharges
- Returns to prison or jail resulting from a revocation, pending revocation, or a new sentence
- Transfer of legal authority over an offender from your state to another state
- Deaths

**Include** in Part F:

- Releases from community supervision when the offender was completing his prison sentence. Examples include:
  - An offender is returned to prison while on parole, supervised release, mandatory supervised release, or other types of post-confinement community supervision.
  - An offender is discharged after completing parole, supervised release, mandatory supervised release, or other types of conditional release.
  - An offender is discharged after completing parole, supervised release, mandatory supervised release, or other types of conditional release, but then begins serving a court-imposed sentence of community supervision.
- Releases from community supervision that resulted from a separate sentence that began following release from prison. Examples include:
  - An offender completes a court-imposed term of probation after serving a term of incarceration.
  - An offender is returned to prison while serving a court-imposed term of probation after serving a prison term.
- Transfer of legal authority from your state to another state of an offender on community supervision following a prison term.

**Exclude** from Part F:

- Releases from community supervision when the offender did not serve a term of incarceration immediately preceding the term of community supervision.

- Releases from prison facilities.<sup>7</sup>
- Temporary revocations where the inmate is not removed from supervision, and not re-admitted into a facility.
  - Example: An offender serving a term of supervision is picked up on a technical violation and sent back to prison for a “shock” term. The offender is never released from supervision and the supervising agency has jurisdiction over the offender the entire time.
- Releases of un-sentenced inmates who are being supervised in the community but who have not served a sentenced term of incarceration.
- Interstate compact cases in which your state only had supervisory responsibility and another state retained legal jurisdiction over the offender.

The variables requested in the Part F data set are listed below. Refer to the Appendix for additional information on these variables.

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<sup>7</sup> Prison facilities include prisons, penitentiaries, and correctional institutions; boot camps; prison farms; reception, diagnostic, and classification centers; release centers, halfway houses, and road camps; forestry and conservation camps; vocational training facilities; prison hospitals; and drug and alcohol treatment facilities for prisoners.



**The Part F (Post-Confinement Community Supervision Releases) variables are listed below in the table.** If you have limited resources for responding to this data request, please focus on the **core variables**. Additional information on the variables is in the Appendix.

Category	#	Name	Definition	Core Variable
<b>Offender</b>	2	Inmate ID Number	A unique number that identifies an offender within the agency for this admission and all subsequent admissions.	✓
	30	State ID Number	The offender's unique, fingerprint-supported state identification number	✓
	39	FBI Number	The unique identification number given by the Federal Bureau of Investigation/ Interstate Identification Index to each offender	✓
	36	First Name	The offender's first name	✓
	37	Last Name	The offender's last name	✓
	3	Date of Birth	The offender's date of birth	✓
	4	Sex	The offender's biological sex	✓
	5	Race	The offender's race	✓
	6	Hispanic Origin	Is the offender of Hispanic origin?	✓
	7	Highest Grade Completed	The highest academic grade level the offender completed prior to admission to prison on the current sentence	
	40	Prior Military Service	Did the offender ever served in the U.S. Armed Forces?	✓
	41	Date of Last Military Discharge	The date the offender was discharged from the U.S. Armed Forces for the final time	✓
	42	Type of Last Military Discharge	The type of discharge the inmate received from the U.S. Armed Forces	✓
	46	SSN	The offender's Social Security Number	✓
<b>Sentence</b>	1	County in Which Sentence was Imposed	The county where the court imposing the current sentence is located	✓
	13	Offenses	Crime(s) for which the offender was admitted to prison on the current sentence(s)	✓
<b>Release from Prison</b>	23a	Date of Release from Prison	The most recent calendar date that the state's prison custody terminated.	✓
	25	Type of Release from Prison	The method of, or reason for, departure from the custody of your prison system on the reported date of release	✓

Category	#	Name	Definition	Core Variable
	24	Agencies Assuming Custody at Time of Prison Release	The type and location of the agency that assumes custody (physical or supervisory) over an inmate's freedom at the time of prison release	
<b>Admission to PCCS</b>	43	Date of Admission to Post-Confinement Community Supervision	The date an offender entered into post-confinement community supervision.	✓
	44	Type of Admission to Post-Confinement Community Supervision	The reason an offender entered into post-confinement community supervision on the date provided in Variable 43 (Date of Admission to Post-Confinement Community Supervision) of the current record	✓
<b>Release from PCCS</b>	26	Date of Release from Post-Confinement Community Supervision	The date of discharge or termination from post-confinement community supervision jurisdiction for any reason, including returning the offender to prison	✓
	27	Type of Release from Post-Confinement Community Supervision	The reason for the termination of post-confinement community supervision jurisdiction that occurred on the date provided in Variable 26	✓
	45	County Where Offender was Released / County Where PCCS Office is Located	The county where the offender was released from post-confinement community supervision on the date in Variable 26. If not available, report the county where the PCCS office to which the offender reported before exit is located.	✓

## Appendix. Additional Information on NCRP Variables

### Variable 1: County in Which Sentence Was Imposed

#### Applies To

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)
- Post Confinement Community Supervision Admissions (Part E)
- Post Confinement Community Supervision Releases (Part F)

#### Definition

- The county where the court imposing the current sentence is located. If there are multiple counties of commitment, use the one which corresponds with the offense for which the person received the longest maximum sentence.

#### Codes / Coding Information

- If possible, use either the name of the county or the 5-digit county FIPS code (available at <https://www.census.gov/geo/reference/codes/cou.html>).

### Variable 2: Inmate ID Number

#### Applies To

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)
- Post Confinement Community Supervision Admissions (Part E)
- Post Confinement Community Supervision Releases (Part F)

#### Definition

- A unique number that identifies an offender within the state department of corrections.
- Parole or other community supervision agencies that do not have access to the department of corrections inmate identification number can provide their own agency's unique identification number for the offender.

#### Additional Information

- Do not use sequence numbers for identification numbers unless you can identify each inmate by the sequence number and use the same sequence number for the inmate's every movement into or out of the corrections system.

- All information that can identify individuals will be held strictly confidential by Abt Associates and the Bureau of Justice Statistics, per the requirements of Title 34, United States Code, Sections 10134 and 10231.

### Variable 3: Date of Birth

#### Applies To

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)
- Post Confinement Community Supervision Admissions (Part E)
- Post Confinement Community Supervision Releases (Part F)

#### Definition

- The offender's date of birth
- Report partial dates if the day or month is not known.

### Variable 4: Sex

#### Applies To

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)
- Post Confinement Community Supervision Admissions (Part E)
- Post Confinement Community Supervision Releases (Part F)

#### Definition

- The offender's biological sex

#### Codes / Coding Information

Use either your agency's codes or the following NCRP codes for this variable.

- (1) *Male*
- (2) *Female*
- (9) *Not known*

### Variable 5: Race

#### Applies To

- Prison Admissions (Part A)
- Prison Releases (Part B)

- Prison Custody (Part D)
- Post Confinement Community Supervision Admissions (Part E)
- Post Confinement Community Supervision Releases (Part F)

### Definition

- The offender's race

### Codes / Coding Information

Use either your agency's codes or the following NCRP codes for this variable.

- (1) *White*. A person having origins in any of the original people of Europe, North Africa, or the Middle East.
- (2) *Black*. A person having origins in any of the black racial groups of Africa.
- (3) *American Indian / Alaskan Native*. A person having origins in any of the original people of North America and South America (including Central America), and who maintains tribal affiliations or community attachment.
- (4) *Asian*. A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- (5) *Native Hawaiian / Pacific Islander*. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- (6) *Other categories in your information system*. Other single-race categories not listed above which are in your information system.
- (7) *Two or more races*. A person who identifies with more than one racial category and/or a person who identifies as multi-racial.
- (9) *Not known*. Racial category is not known.

### Additional Information

- Hispanic origin is a cultural characteristic rather than racial characteristic (see Variable 6). Persons of Hispanic origin can be black, white or some other racial group. When the information is available, please code the racial characteristic of persons of Hispanic origin.
- If the inmate's race can be determined but does not fit one of the above categories, then code as "other categories in your information system."

## Variable 6: Hispanic Origin

### Applies To

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)
- Post Confinement Community Supervision Admissions (Part E)
- Post Confinement Community Supervision Releases (Part F)

## Definition

- Whether the offender is of Hispanic origin

## Codes / Coding Information

Use either your agency's codes or the following NCRP codes for this variable.

- (1) *Hispanic or Latino origin*. A person of Mexican, Puerto Rican, Cuban, Central American, South American, or other Spanish culture or origin, regardless of race.
- (2) *Not of Hispanic origin*.
- (9) *Not known* (Hispanic origin is not known).

## Variable 7: Highest Grade Completed

### Applies To

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)
- Post Confinement Community Supervision Admissions (Part E)
- Post Confinement Community Supervision Releases (Part F)

## Definition

- The highest academic grade level completed by the offender before being admitted to prison on the current sentence.

## Codes / Coding Information

Use either your agency's codes or the following NCRP codes for this variable.

- (1) *8th Grade or Less* (level of education did not exceed 8th grade, including having never attended school).
- (2) *Some High School* (grade unspecified or grade completed is not available but it is known that the inmate entered high school or started 9th grade).
- (3) *9th Grade*
- (4) *10th Grade*
- (5) *11th Grade*
- (6) *12th Grade or GED*
- (7) *Some College* (any person who attended college but did not graduate).
- (8) *College Degree* (any person who completed college or had some post-graduate education).
- (9) *Special/Ungraded* (including Special education, vocational education/rehabilitation, occupational education/rehabilitation, academic in an ungraded system, technical training, or education in an ungraded system).
- (99) *Not known* (level of education is not known).

### **Additional Information**

- Do not report any educational work completed during incarceration on the current sentence.
- Do not report competency level.

## **Variable 8: Date of Admission to Prison**

### **Applies To**

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)

### **Definition**

- The most recent date the inmate was admitted into the custody of the state prison system on the current sentence.
- Report partial dates if the day or month is not known.

### **Additional Information**

- Do not provide the sentencing date as the date of admission unless correctional custody began immediately after sentencing. Admission date should never be prior to the sentencing date.
- Offenders exiting from post confinement community supervision and returning to prison as violators should be included in both the Part A (prison admission) and Part F (post confinement community supervision release) files.
- Prisoner admission data should be provided for sentenced state prisoners housed in local jails. The date of admission for prison inmates housed in local jails is the date on which the prison system assumed jurisdiction, often the date of sentencing. Once you submit an admission record to NCRP for a sentenced state prisoner who is housed in a local jail, do not later report his/her transfer from jail to prison as an admission.

### **Examples**

- A person held in a local jail is sentenced on April 3, 2009. Due to prison overcrowding, he begins serving his sentence in the local jail immediately after sentencing. The date of admission to prison is reported as April 3, 2009.
- A prisoner held in a local jail is sentenced on April 3, 2009. Due to prison overcrowding, she begins serving her sentence in a local jail immediately after sentencing. She is transferred and physically enters prison on October 28, 2009. No record of any kind is created for the October transfer. Instead, a Part A record is created with April 3, 2009 as the date of admission.
- A person was admitted originally on June 11, 2003. He was released to parole supervision in 2005 and readmitted to prison August 7, 2009 as the result of a parole revocation. For the Part A (prison admission) record, the date of admission is August 7, 2009.

## Variable 9: Type of Admission to Prison

### Applies To

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)

### Definition

- The reason an offender entered into the physical custody of a correctional facility on the date provided in Variable 8 of the current record.

### Codes / Coding Information

Use either your agency's codes or the following NCRP codes for this variable.

- (10) *Court Commitment*. A person being admitted to prison on one or more new sentences; the person is being confined for the first time on this/these particular sentence(s) and is not being re-admitted on any previous sentences still in effect.
- (20) *Returned from Appeal or Bond*. An offender's re-entry into prison after an absence on appeal bond during which his/her sentence time was not running. Do not create a new admission record upon an inmate's return if the inmate's sentence time continued to run while he/she was on appeal bond.
- (30) *Transfer*. The admission of a person from the custody of another detaining authority to continue serving the same sentence.
- (46) *Discretionary Release Revocation, New Sentence*. Discretionary release occurs when an inmate is conditionally released by the decision of a parole board or other authority. Revocation is the administrative action of a supervising agency removing a person from supervision status in response to a violation of conditions of supervision. **If discretionary release is revoked because of a new sentence, use code 46.**
- (47) *Discretionary Release Revocation, No New Sentence*. Discretionary release occurs when an inmate is conditionally released by the decision of a parole board or other authority. Revocation is the administrative action of a supervising agency removing a person from supervision status in response to a violation of conditions of supervision. **If discretionary release is revoked because of a technical violation, use code 47.**
- (49) *Discretionary Release Revocation, No Information*. Discretionary release occurs when an inmate is conditionally released by the decision of a parole board or other authority. Revocation is the administrative action of a supervising agency removing a person from supervision status in response to a violation of conditions of supervision. **If discretionary release has been revoked and the reason is not known, use code 49.**
- (56) *Mandatory Conditional Release Revocation, New Sentence*. Mandatory conditional release occurs when an inmate must, by law, be conditionally released from prison to serve the remainder of their sentence in the community. Revocation is the administrative



action of a supervising agency removing a person from supervision status in response to a violation of conditions of supervision. This type of release may also be called "mandatory parole" or "supervised mandatory release." **Use code 56 if mandatory conditional release is revoked because of a new sentence.**

- (57) *Mandatory Conditional Release Revocation, No New Sentence.* Mandatory conditional release occurs when an inmate must, by law, be conditionally released from prison to serve the remainder of their sentence in the community. Revocation is the administrative action of a supervising agency removing a person from supervision status in response to a violation of conditions of supervision. This type of release may also be called "mandatory parole" or "supervised mandatory release." **Use code 57 if mandatory conditional is revoked because of a technical violation.**
- (59) *Mandatory Conditional Release Revocation, No Information.* Mandatory conditional release occurs when an inmate must, by law, be conditionally released from prison to serve the remainder of their sentence in the community. Revocation is the administrative action of a supervising agency removing a person from supervision status in response to a violation of conditions of supervision. This type of release may also be called "mandatory parole" or "supervised mandatory release." **Use code 59 if mandatory conditional release is revoked and the reason is not known.**
- (65) *Court Commitment/Suspended Sentence Imposed.* Use this code if the admission is the result of the court's imposition of a previously suspended sentence.
- (66) *Escapee/AWOL Returned, New Sentence.* Use this code if an escaped inmate is returned **with a new sentence.** The new sentence may be for escaping or another offense.
- (67) *Escapee/AWOL Returned, No New Sentence.* Use this code if an escaped inmate is returned and **there is no new sentence.**
- (69) *Escapee/AWOL Returned, No Information.* Use this code if an escaped inmate is returned and **it is not known if there is a new sentence.**
- (70) *Court Commitment/Discretionary Release Status, Pending Revocation.* Use this code if the inmate has **violated the conditions of discretionary release supervision** but his/her discretionary release has not been formally revoked.
- (80) *Court Commitment/Mandatory Conditional Release Status, Pending Revocation.* Use this code if the inmate has **violated the conditions of mandatory conditional release supervision**, but his/her conditional release has not been formally revoked.
- (90) *Court Commitment/Probation Status, Pending Revocation.* Use this code if the inmate has **violated the conditions of probation**, but his/her probation has not been formally revoked.
- (86) *Probation Revocation, New Sentence.* Probation Revocation is a court order taking away a person's probationary status in response to a violation of conditions of probation. Use this code if the **probation was revoked as a result of a new sentence.**
- (87) *Probation Revocation, No New Sentence.* Probation Revocation is a court order taking away a person's probationary status in response to a violation of conditions of probation. Use this code if **probation is revoked due to a technical violation.**

- (89) *Probation Revocation, No Information.* Probation Revocation is a court order taking away a person's probationary status in response to a violation of conditions of probation. Use this code if the **probation was revoked and the reason is not known.**
- (88) *Other.* If a unique code cannot be assigned, use code 88 and document the types of admission included in this category.
- (92) *Unsentenced Commitment.*
- (99) *Not Known.* Use this code if the type of admission is Not Known.

### **Additional Information**

- For Code 10 (Court Commitment):
  - Include as a court commitment inmates sentenced to prison for brief periods of time, usually 90-180 days, after which they are either released to probation or remain in prison. If, at the end of the "shock" period, the court commits the offender to prison to continue serving sentence, do not report him/her again as an admission.
  - Exclude from the court commitment category: all revocations of probation, parole or other conditional release with or without a new sentence for a new offense; all transfers unless the inmate has completed all previous sentences and is beginning to serve time on a new sentence; and all returns from escape or unauthorized departures.
- For Code 30 (Transfer):
  - Include inmates admitted from a long term stay in a hospital, mental health facility or another state or federal prison.
  - Do not provide records for movements from prison facility to prison facility within your state.
  - Do not report the return of an inmate sent temporarily to another state to stand trial.
  - Do not include inmates who have completed a sentence in another state and are transferred to your state to begin serving a different sentence. Code them as court commitments, post-confinement community release revocations or other, as appropriate.
- Codes 46, 47, and 49 (Discretionary Release Revocation) are limited to those cases where **revocation proceedings have been completed.**
- Codes 56, 57, and 59 (Mandatory Conditional Release) also are only applicable to those cases where **revocation proceedings have been completed.**

### **Examples**

- Court Commitment (Code 10)
  - A person is sentenced by the court for murder and transported to a state correctional institution to begin serving her sentence. The correct code is "10" court commitment.
  - A person is sentenced by the court for murder and transported to a state correctional facility to begin serving his/her sentence. This person is still on parole for a robbery he committed four years ago but his parole revocation hearing has not been held yet. This admission is not a court commitment. Use code 70 or 80 to report admission type for this inmate.

- A person is sentenced in 2011 to serve three years for burglary. She is conditionally released after one year and completes her time on parole. She is now being incarcerated for a burglary for which she has never served a sentence. The correct code is 10, "court commitment."
- An offender receives a sentence of five years, the first 120 days to be served in prison, the remainder on probation. A Prison Admission record should be created and Variable 9 coded as 10, "court commitment."
- Returned from Appeal or Bond (Code 20)
  - An inmate in prison is granted an appeal and released on bond. His sentence time is not running. His guilt and sentence are later reaffirmed and he returns to prison to resume serving his sentence. The admission type is code 20, "return from appeal bond."
- Transfer (Code 30)
  - An inmate serving a prison sentence was declared insane and surrendered to the custody of the State Department of Mental Health. This movement constituted a transfer release. This year the inmate is found sane and returns to prison to resume serving the sentence. A Prison Admission record should be created and the type of admission coded as 30, "Transfer."
  - An inmate is sentenced in California to serve 5 years for burglary and enters a California prison to begin serving her sentence. During the report year, she is transferred to a Nevada prison for protective custody. This movement is a prison release type, "Transfer" for California. Nevada would report this inmate's admission as code 30, "Transfer."
  - An inmate serving a prison sentence in Rhode Island is temporarily released to Vermont to stand trial for charges in that state. The inmate is found guilty and returned one week later to Rhode Island to continue serving his/her time. No admission or release record is created by either state.
  - A Rhode Island inmate is serving a two-year sentence. After serving one year of his sentence, he is sent to Vermont to serve the balance of his sentence. The correct response for each state is as follows:
    - Rhode Island creates a prison release record - Variable 25 (type of prison release) is coded as 15, "Transfer."
    - Vermont creates a prison admission record - Variable 9 is coded 30, "Transfer."
  - In February of the report year, an inmate is admitted to a Maryland State prison to begin serving a three year sentence for armed robbery. In June of the same year, he is transferred to a county detention facility for safekeeping. An admission record is created when the inmate is admitted in February. No admission or release record is created when the inmate is transferred to the county facility because he is still serving the state sentence at the county facility and he is still in the state of Maryland.
  - A Maine inmate is transferred during the report year from the Maine Correctional Center (a state facility) to the Maine State Prison. The correct response is to create no admission or release record for inmates that are transferred among state facilities within your state.
- Discretionary Release Revocations (Codes 46, 47, 49)
  - While on discretionary release, the offender commits an armed robbery and is sentenced to serve time for that offense. His discretionary release is revoked, and he enters prison to begin serving time on the new sentence. Code 46, "discretionary release revocation, new sentence" is the correct code.

- Mandatory Conditional Release Revocations(Codes 56, 57, 59):
  - While on mandatory conditional release, an offender fails to report to his/her supervising authority. Her conditional release is revoked and she returns to prison to continue serving time on the original sentence. Code 57, "mandatory conditional release revocation, no new sentence" is the correct code to use in this instance.
- Escape/AWOL Return (Codes 66, 67, 69):
  - An inmate escaped from prison in December, last year. A release record was created for that calendar year. He was located and returned to prison in June this year with no new sentence. An admission record is created and the admission type is coded 67, "escapee returned, no new sentence."
  - An inmate escaped from prison in June. While on escape status, he commits a burglary and is arrested and placed in jail. He is found guilty of burglary, sentenced, and returned to prison in December. His admission type is code 66, "escapee returned, new sentence."
- Court Commitment/Discretionary Release Status, Pending Revocation (Code 70)
  - An offender violates the conditions of his discretionary release and is accused of committing a new offense. He is returned to prison. The new charges are pending. The discretionary release revocation hearing has not been held yet. The correct code is 70, "discretionary release status, pending revocation."

## Variable 10: Jurisdiction on Date of Admission

### Applies To

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)

### Definition:

- The state with the legal authority to enforce the prison sentence on the date of admission in Variable 8.

### Codes / Coding Information

Use either your agency's codes or the following NCRP codes for this variable.

- State FIPS Codes (available at <http://www.itl.nist.gov/fipspubs/fip5-2.htm>)
  - (52) Jurisdiction is shared between states
  - (57) Federal Prison System has jurisdiction
  - (60) State not known
  - (99) Not known

### Examples

- An inmate is convicted of murder in Maryland and sentenced to a 10-year prison term. He begins serving his sentence in a Virginia prison to ensure protective custody. Maryland is the correct value.

## Variable 11: Prior Jail Time

### Applies To

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)

### Definition

- The length of time served in jail prior to the date of admission (provided in Variable 8) and credited to prison service for the current sentence.

### Additional Information

- If it is known that some prior time had been served but prior jail time cannot be distinguished from prior prison time, include all prior time in the prior prison time category (see Variable 12).

### Examples

- A man was arrested and charged with burglary on January 1 of this year. He spent two months in jail awaiting trial. He was convicted on March 1 and was sentenced to serve two years in prison. The judge allows his time in jail to be credited toward his total sentence. The correct value for Variable 11 is two months.
- A man was arrested and charged with burglary on January 1 of this year. He spent two months in jail awaiting trial. He was convicted and sentenced on March 1. The judge states that his prison time begins running as of his date of sentencing. The correct code for Variable 11 is zero days, because no time in jail was credited toward his sentence.
- On July 1, 2005 an inmate was admitted to a local jail, due to overcrowding, to begin serving a 5-year sentence for drug trafficking. He was released to post-confinement community supervision (PCCS) on December 15, 2006. He is now being admitted to prison on a PCCS revocation and must serve the remainder of his drug trafficking sentence in prison. The time he served in jail for this offense, prior to his release to PCCS, counts toward his total time incarcerated on the current sentence and must be reported. The correct value to report is one year, five months, and 15 days.

## Variable 12: Prior Prison Time

**REMOVED AS OF REPORTING YEAR 2018**

## Variable 13: Offenses

### Applies To

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)
- Post Confinement Community Supervision Admissions (Part E)
- Post Confinement Community Supervision Releases (Part F)

### **Definition**

- Crime(s) for which the offender was admitted to prison on the current sentence(s).
- Include the number of counts of each offense.

### **Codes / Coding Information**

- Use your state's own offense codes. NCRP staff will re-code your state's offense codes into the NCRP offense codes (available at <https://www.ncrp.info/SitePages/FAQs.aspx>).

### **Additional Information**

- Please submit offense code documentation along with data submission. This documentation should include all of your states' offense codes and a description of each offense.
- For persons readmitted to prison, the original crime(s) in addition to any new crime(s) resulting in the current sentence(s) should be indicated.

## **Variable 14a: Offense with Longest Maximum Sentence**

### **Applies To**

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)

### **Definition**

- Of the crimes reported in Variable 13, this is the ONE crime for which the inmate received the longest sentence.

### **Additional Information**

- If the inmate received the same maximum sentence length for two different offenses, provide the one your state would designate as the "controlling," "driving," or "most serious" offense.

## **Variable 14b: Sentence Length for Variable 14a Offense**

### **Applies To**

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)

### **Definition**

- The maximum sentence as stated by the court, that the offender is required to serve for the offense listed in Variable 14a.

## Codes / Coding Information

Report a life or a death sentence using either your agency's codes or the following NCRP codes.

- (99996) Maximum sentence is Life.
- (99997) Maximum sentence is Death.
- (99994) Maximum sentence is Life plus additional years.
- (99993) Maximum sentence is Life without discretionary release.

## Additional Information

- This is the maximum sentence imposed by the court for one specific offense and should not reflect any statutory or administrative sentence reductions.
- If the inmate has more than one sentence for the same type of offense, such as 2 years for one burglary (or one count of burglary) and 3 years for another burglary (on another count of burglary), the 3-year sentence would be reported for Variable 14b.
- If the offense reported in Variable 14a is one for which the inmate was previously placed on post-confinement community supervision (e.g. parole or probation), provide the original maximum sentence not the part of the sentence remaining to be served.
- Please document any other code for life or death sentences that may appear on your file.

## Examples

- A man enters prison to begin serving time for three sentences. He received 5 years for burglary, 3 years for auto theft, and 1 year for a minor drug violation. The sentences are to be served consecutively and result in a TOTAL maximum sentence of 9 years. However, for Variable 14a and 14b, you need to indicate the one specific offense with the longest sentence. The correct response for Variable 14a is your state code for burglary, and for 5 years for Variable 14b.
- A man enters prison to begin serving time for two sentences. He received 5 years for burglary and 5 years for drug trafficking, both sentences to be served concurrently. In your state, burglary is considered more serious and to be the "controlling" offense. Therefore, for Variable 14a, you would provide your state code for burglary, and 5 years for Variable 14b.
- A woman enters prison to begin serving time for three counts of burglary. She received 6 years for the first count, 6 years for the second, and 4 years for the third, all to be served consecutively. In Variable 14a, would be your state code for burglary, and 6 years for Variable 14b. Each count is to be considered separately when it carries its own sentence length.

## Variable 15: Total Maximum Sentence Length

### Applies To

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)

## Definition

- The longest length of time as stated by the court that the offender could be required to serve for all offenses.

## Codes / Coding Information

Report a life or a death sentence using either your agency's codes or the following NCRP codes.

- (99996) Maximum sentence is Life.
- (99997) Maximum sentence is Death.
- (99994) Maximum sentence is Life plus additional years.
- (99993) Maximum sentence is Life without discretionary release.

## Additional Information

- This is the maximum sentence imposed by the court and should not reflect any statutory or administrative sentence reductions.
- Do not subtract time credits or prior jail or prison time.
- If all or a portion of a maximum sentence has been conditionally suspended (that is, the sentenced person may in the future be required to serve the suspended sentence or only a portion under certain circumstances), set the "Maximum Sentence" to the sum of the unsuspended and suspended portions of the maximum sentence of each offense for which the inmate is currently in prison.
- Do not report unconditionally suspended sentences.
- If all or a portion of a maximum sentence has been unconditionally suspended (that is, the person cannot be required to serve the suspended sentence or any portion under any circumstances), use as the "Maximum Sentence" only the unsuspended portions of the sentences.
- For a split sentence or shock probation, set the maximum sentence to the sum of the prison and probation segments of the sentence(s).
- Provide the sum of sentences to be served consecutively. Do not add sentences to be served concurrently.

## Examples

- An inmate receives a sentence of 3 years for possession of marijuana, 2 years conditionally suspended. He will be released to post-confinement community supervision after being imprisoned for one year. The correct value for Variable 15 is 3 years; that is, if his behavior is not satisfactory, he will serve 3 years in prison.
- A person receives a sentence of 5 years for burglary, one year unconditionally suspended. He will receive no supervision during the one year regardless of his behavior. The correct value for Variable 15 is 4 years.
- A person receives a 10-year sentence for armed robbery, is paroled after 3 years, but returns to prison on a technical violation 6 months later. The correct value for Variable 15 is 10 years, reflecting his original maximum sentence.
- A first offender receives a 5-year sentence for manslaughter, 90 days to be served in prison and the remainder on probation. The correct value for Variable 15 is 5 years.



- An offender enters prison to serve 6 years on a burglary conviction and 5 years on a drug conviction. The two sentences are to be served consecutively. The correct value for Variable 15 is 11 years.
- An offender enters prison to serve 6 years on a burglary conviction and 5 years on a drug conviction. The two sentences are to be served concurrently. The correct value for Variable 15 is 6 years.

(There is no Variable 16)

## Variable 17: Location Where Inmate is to Serve Sentence

### Applies To

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)

### Definition

- The type of facility in which the offender will be incarcerated to serve time for his crime.
- The name of the facility can be provided instead. In this case, provide information in a separate file that will enable NCRP staff to re-code the name of facility into the NCRP facility type categories listed below.

### Codes / Coding Information

Use either your agency's codes or the following NCRP codes for this variable.

- (1) *State Prison Facility.* A state administered confinement facility having custodial authority over persons sentenced to confinement.
- (2) *Local Jail.* A confinement facility administered by an agency of the local government intended for adults but sometimes also houses juveniles, which holds persons detained pending adjudication and persons committed after adjudication usually with sentences of a year or less.
- (3) *Other Specify.* All other facilities except those specified above which house sentenced prisoners. Provide documentation for the type of facility included in this category.
- (4) *Mental Hospital.* A confinement facility for the diagnosis or treatment of mentally ill patients.
- (5) *Medical Hospital.* A facility designed for the treatment of persons with illnesses other than mental disorders.
- (6) *Rehabilitation Unit.* A residential treatment facility designed for the care of patients with drug or alcohol problems.
- (57) *Federal Prison.* A confinement facility administered by the Federal government having custodial authority over persons sentenced to confinement.
- (99) *Not Known.* Location where the inmate is to serve his/her sentence is not known.

## Examples

- An offender is sentenced to serve 5 years for a possession of marijuana conviction. Due to prison overcrowding he is to be housed in the local jail. The correct code is "local jail."
- An offender is admitted to prison to serve 5 years for a possession of marijuana conviction. She is then placed in a drug treatment facility and will stay there through the completion of the program - a minimum of 1 year. The correct code is "Rehabilitation Unit."
- An offender is sentenced to serve 5 years for a possession of marijuana conviction. He is to serve his sentence in a Federal penitentiary. The correct code is "Federal Prison."

**Variable 18: Additional Offenses since Admission Date** REMOVED AS OF REPORTING YEAR 2018

**Variable 19: Additional Sentence Time since Admission** REMOVED AS OF REPORTING YEAR 2018

## Variable 20: Prior Felony Incarcerations

### Applies To

- Prison Releases (Part B)
- Prison Custody (Part D)

### Definition

- An offender who has ever been sentenced to confinement for a felony as a juvenile or adult prior to his/her current prison admission (Variable 8).

### Codes / Coding Information

Use either your agency's codes or the following NCRP codes for this variable.

- (1) Yes
- (2) No
- (9) Don't Know

### Additional Information

- Do not include detention before trial or sentencing.
- Do not report non-incarceration sentences such as probation, unless at some point prison time occurred.

## Examples

- Ten years ago, a man served 3 years in prison for robbery and was released, having satisfied the conditions of his sentence. He is once again being admitted to begin serving time on a new sentence. The correct code is "Yes."

**Variable 21: AWOL or Escape**      **REMOVED AS OF REPORTING YEAR 2018**

**Variable 22a: Community Release Prior to Prison Release**      **REMOVED AS OF REPORTING YEAR 2018**

**Variable 22b: Number of Days on Community Release**      **REMOVED AS OF REPORTING YEAR 2018**

**Variable 23a: Date of Release from Prison**

### Applies To

- Prison Releases (Part B)
- Post Confinement Community Supervision Admissions (Part E)
- Post Confinement Community Supervision Releases (Part F)

### Definition

- The most recent calendar date that the state's prison custody terminated.
- Report partial dates if the day or month is not known.

### Additional Information

- On post confinement community supervision release (Part F) records, "Date of Release from Prison" is the most recent prison release date prior to the post confinement community supervision release date.

**Variable 23b: Location at Time of Prison Release**

### Applies To

- Prison Releases (Part B)

### Definition

- The type of facility that had been used for the custody or care of the offender just prior to release.

- The name of the facility can be provided instead. In this case, provide information in a separate file that will enable NCRP staff to re-code the name of facility into the NCRP facility type categories listed below.

### Codes / Coding Information

Use either your agency's codes or the following NCRP codes for this variable.

- (1) *State Prison Facility.* A confinement facility administered by the state with custodial authority over adults sentenced to confinement.
- (2) *Local Jail.* A confinement facility administered by an agency of the local government, intended for adults but sometimes also containing juveniles (holds persons detained pending adjudication and/or persons committed after adjudication, usually with sentences of a year or less).
- (3) *Other – Specify.* All facilities except those listed above which house sentenced prisoners. Provide documentation for the types of facilities you include in this category.
- (4) *Halfway House.* A long-term residential facility in which residents are allowed extensive contact with the community (e.g., attending school).
- (5) *Community Work Center or Work Release.* A residential facility in which residents are employed and allowed extensive contact with the community.
- (6) *Pre-release Center.* A residential facility in which inmates may be placed in order to seek employment, housing, etc.
- (12) *Federal Prison.* A confinement facility administered by the Federal government with custodial authority over persons sentenced to confinement.
- (99) *Unknown.* Information on the facility from which the inmate is released is not known.

### Examples

- An offender served a 2-year prison term for burglary in the local jail due to overcrowding at the state penitentiary. This would be coded as Local Jail.
- An offender was sentenced to 18 months for a drug offense. The first 12 months were served in a drug rehabilitation program in a county hospital. The offender then served the rest of his sentence in prison. This would be coded as State Prison Facility.

## Variable 24: Agencies Assuming Custody at Time of Prison Release

### Applies To

- Prison Releases (Part B)
- Post Confinement Community Supervision Admissions (Part E)
- Post Confinement Community Supervision Releases (Part F)

### Definition

- Type and location of the agency/agencies that assumes custody (physical or supervisory) over an inmate at the time of prison release.

## Codes / Coding Information

Use either your agency's codes or the following NCRP codes for this variable.

- (00) None
- (01) Other Prison Outside of State
- (02) Other Prison - Federal System
- (03) Parole Within State (Include Parole Agencies in DOC)
- (04) Parole Outside State
- (05) Parole - Federal System
- (06) Probation within State
- (07) Probation Outside State
- (08) Probation Federal System
- (09) Mental/Medical Facility within State
- (10) Mental/Medical Facility Outside of State
- (11) Mental/Medical Facility - Federal
- (12) Other Within State – Specify
- (13) Other Outside State – Specify
- (14) Other - Federal – Specify
- (99) Not Known

## Examples

- An inmate is released from a state prison to a detainer from Federal authorities. He is transported to a Federal prison in another state. "Other Prison, Federal" is the correct value to report.
- After serving two-thirds of his sentence, an offender is required by law to be placed on mandatory conditional release. He will be supervised by the paroling authority of that state. "Parole, Within State" is the correct value to report.

## Variable 25: Type of Release From Prison

### Applies To

- Prison Releases (Part B)
- Post Confinement Community Supervision Admissions (Part E)
- Post Confinement Community Supervision Releases (Part F)

### Definition

- Method of or reason for departure from the custody of your prison system on the reported date of release (in Variable 23a of the current record).

## Codes / Coding Information

Use either your agency's codes or the following NCRP codes for this variable.

- (01) *Discretionary Release Decision.* A conditional release granted by a parole board or other agency that has the authority to release adult prisoners to post-confinement community supervision.
- (02) *Mandatory Conditional Release.* A conditional release from prison which is mandated by law rather than granted by a discretionary authority.
- (03) *Probation Release.* A conditional release to court supervision or supervision by a probation authority after the inmate is confined usually for a brief period in a prison facility. These cases are often called "Split Sentences" or "Shock Probation."
- (04) *Other Conditional Releases – Specify.* All other conditional releases not covered by the preceding categories. Always describe the nature of the release in your documentation.
  
- (05) *Expiration of Sentence.* The termination of the period of time an offender has been required to serve in a state prison.
- (06) *Commutation/Pardon.* A reduction of the term of confinement or an executive order excusing the remainder of the sentence and pardon resulting in immediate unconditional release.
- (07) *Release to Custody, Detainer, or Warrant.* Unconditionally releasing an inmate to custody of another authority. The original prison authority relinquishes all claims upon the inmate.
- (08) *Other Unconditional Release – Specify.* All unconditional releases not covered by the preceding three categories. Always document the nature of the release.
  
- (09) *Death by Natural Causes.* Death due to illness, old age, AIDS, etc.
- (10) *Death by Suicide.*
- (11) *Death by Homicide by Another Inmate.*
- (12) *Death by Other Homicide.* The death of an inmate caused by a person who is not an inmate that is not legally justifiable.
- (13) *Death by Execution*
- (14) *Death by Other – Specify.* All deaths not covered by the preceding six categories. Always document the manner of death. Use code 14 "Other" to report an inmate's death which is due to accidental injury caused by another person (whether the other person is an inmate or not).
- (27) *Death by Accidental Injury to Self.* Death caused by the inmate accidentally injuring himself.
  
- (15) *Transfer.* The movement of a person from the custody of your state's correctional system to the custody of another authority while serving the same sentence. Transfers are permanent or indefinite releases for such purposes as long-term mental health commitment, safekeeping in another state, or housing in a Federal facility.
  
- (16) *Release on Appeal or Bond.* An offender is released to seek or participate in an appeal of his case and is not receiving credit on his sentence while out of confinement. If the inmate is being given credit on the remainder of his time while out of confinement or bond, or appealing his case, do not report a release.

- (25) *AWOL/Escape*. An inmate who is absent from your state's custody without leave or has escaped from state prison. If your state reports AWOLs and Escapes as releases, you must report their recapture as admissions.
- (17) *Other – Specify*. All other releases not specifically defined in the above categories. Specify in your documentation the type of releases included in this category.
- (99) *Not Known*. The type of release from prison is not known.

### **Additional Information**

- Verify that all releases included in the Other category are releases from the custody of this prison system and releases of sentenced persons.
- For Code 16 (Release on Appeal or Bond) do not include temporary movements to court (e.g., to testify or appear at a brief hearing).
- Do include transfers to other states to continue serving a sentence.
- Do not include movements from prison facility to prison facility within your state.
- Do not include movements of state prisoners to local jails because the prison is crowded or for such reasons as overcrowding, safekeeping, etc.
- State inmates housed in local jails are to be considered as state prison inmates.
- Do not include temporary absences for such reasons as court appearances, training or medical care.
- A detainer is an official notice from one authority agency to another authority agency requesting that a person wanted by them, but subject to the other agency's jurisdiction, not be released or discharged without notification to the authority agency requesting the person.
- The placing of a detainer is often, but not always, prior to the issuing of a warrant. Typical reasons for the detainer are that the person is wanted for trial in the requesting jurisdiction or is wanted to serve a sentence.
- Conditional Release is the release from a federal or state correctional facility of a prisoner who has not completed his/her sentence, and whose freedom is contingent upon obeying specified rules of behavior while in the community. The offender can be re-incarcerated on current sentence(s).
- Persons on mandatory supervised release are usually subject to the same conditions as offenders released to post-confinement community supervision via discretionary release, and can be returned to prison for technical violations of release conditions. However, the difference is that the release is not a discretionary decision of a parole board or other authority.
- If you need to report a type of release not defined by one of the codes provided, assign a unique code and define it in your documentation.

### **Examples**

- For Code 01 (Discretionary Release Decision),
  - An inmate is granted a release by the Parole Board after serving 3 years of a 10 year sentence. Use code "Discretionary Release Decision."
- For Code 02 (Mandatory Conditional Release),

- An inmate received a 3 year sentence for heroin possession. The law requires that the inmate be released to post-confinement community supervision after serving a year. Use code "Mandatory Conditional Release."
- For Code 03 (Probation Release),
  - An offender serves 180 days in prison and returns to court for a hearing. The judge allows him to serve the remainder of his sentence on probation. The correct code is "Probation Release."
- For Code 05 (Expiration of Sentence),
  - A person given a maximum sentence of 5 years for robbery is released, without parole supervision, after serving 5 years. His release is code 05, "Expiration of Sentence."
  - A person given a maximum sentence of 5 years for robbery is released without parole supervision, after serving 3 1/2 years and receiving 1 1/2 years of irrevocable "Good Time." His release is "Expiration of Sentence."
- For Code 06 (Commutation/Pardon),
  - After the legislature reduced marijuana offenses from felonies to misdemeanors, the 15 year sentence of a person is reduced by the Governor to actual time served, 2 1/2 years, and the inmate is unconditionally released. The correct code is "Commutation/Pardon."
- For Code 07 (Release to Custody, Detainer, or Warrant),
  - A man is serving three years for armed robbery in Maine. Extradition papers from Texas on another armed robbery charge await him, however, so he is released to Texas custody. The correct code is "Release to Custody, Detainer, or Warrant."
- For Code 15 (Transfer),
  - An inmate is threatened by other inmates. He is transferred to the custody of another state to complete his sentence. Use code "Transfer."
  - On June 10th of the report year, a Texas inmate is sent from the state prison to the Department of Corrections training school. On June 24th of the report year, the training is completed and the inmate is sent back to the state prison. No admission or release movement should be reported.
  - Due to crowding, a Maine inmate is transferred on June 6th of the report year from the Maine State Correctional Center to the Maine State Prison. No admission or release movement should be reported.
  - An inmate is admitted to a Rhode Island prison on February 1st of the report year, to begin serving a three year sentence for armed robbery. On June 5th of the report year, the inmate is transferred to a county detention facility for safekeeping. No admission or release movement should be reported.

## **Variable 26: Date of Release from Post Confinement Community Supervision**

### **Applies To**

- Post Confinement Community Supervision Releases (Part F)

### **Definition**

- The date of discharge or termination from post-confinement community supervision for any reason, including returning the offender to prison.



- Report partial dates if the day or month is not known.

### Examples

- An offender is discharged after completing his term of post-confinement community supervision (PCCS) on August 1, 2008. The date of release from PCCS is August 1, 2008.
- While on parole, an offender commits an armed robbery and is sentenced to serve time for that offense. His parole is revoked, and he enters prison to begin serving time on the new sentence on March 20, 2010. The date of release from PCCS is March 20, 2010.

## Variable 27: Type of Release from Post Confinement Community Supervision

### Applies To

- Post Confinement Community Supervision Releases (Part F)

### Definition

- The reason for the termination of post-confinement community supervision that occurred on the date provided in Variable 26.

### Codes/Coding Information

Use either your agency's codes or the following NCRP codes for this variable.

- (01) *Discharged, Completion of Term.* The release of offenders on Post Confinement Community Supervision (PCCS) who have served full-term sentences or who have been released early due to a discretionary decision, commutation or pardon.
- (02) *Discharged, Absconder.* The release of offenders on PCCS while known to be on absconder status, regardless of whether a warrant has been issued. Code 02 (Discharged, Absconder) should be used only if the offender has been formally discharged by the supervising agency or if PCCS jurisdiction has been relinquished.
- (03) *Discharged to Custody, Detainer or Warrant.* Your state supervising authority or agency relinquishes its jurisdiction over the offender on PCCS. Another agency or authority (in or out of your state) assumes jurisdiction and perhaps custody over the person. The agency that assumes jurisdiction or jurisdiction and custody may be a non-correctional agency, e.g., a mental hospital.
- (04) *Returned to Prison or Jail, New Sentence.* The re-admission of an offender on PCCS into a prison or jail after receiving a sentence for a new offense(s). If PCCS has been revoked and the person is admitted to prison or jail with a new sentence, the type of release is code 04, "Returned to Prison or Jail, New Sentence."
- (05) *Returned to Prison or Jail, PCCS Revocation.* The re-admission of an offender on PCCS into a prison or jail due to the violation of the conditions of supervision, and the **PCCS has been revoked.**
- (06) *Returned to Prison or Jail, PCCS Revocation Pending.* The re-admission of an offender on PCCS into a prison or jail for the alleged violation of the conditions of supervision. A

revocation hearing will be held in the future **and a decision to revoke or not revoke the person's PCCS will be made.**

- (07) *Returned to Prison or Jail, Charges Pending.* The re-admission of an offender on PCCS into a prison or jail for an alleged new offense, pending trial, conviction, or sentence.
- (08) *Transferred to Another Jurisdiction.* Jurisdiction over the offender on PCCS is transferred to another state from your authority.
- (09) *Death*
- (10) *Other – Specify.* For any other removal from PCCS not covered in the previous categories, code as 10. Please provide documentation for all PCCS exits included in this category.
- (99) *Not Known.* Information on type of release from PCCS is not available.

### **Additional Information**

- Do not include those interstate compact cases where only supervisory responsibility is transferred but legal jurisdiction is retained by your state parole authority, i.e., parole termination is still determined by your state.
- If the supervising agency changes the absconder from active to inactive status without relinquishing jurisdiction over the person, a PCCS release should not be reported in Code 02.
- A detainer is an official notice from one authority agency to another authority agency requesting that a person wanted by them, but subject to the other agency's jurisdiction, not be released or discharged without notification to the authority agency requesting the person.
- The placing of a detainer is often, but not always, prior to the issuance of a warrant. Typical reasons for detainers are that the offender is wanted for trial in the requesting jurisdiction.
- If an offender on PCCS has had his supervision status revoked because he violated conditions of supervision but was not sentenced for another crime, code as 05, "Returned to Prison or Jail, PCCS Revocation."
- Count persons returned to prison or jail with revocation pending in Code 06 only if termination of PCCS jurisdiction is pending in your state.
- Use one of the codes 04-07 for absconders who have been released from PCCS because he was returned to jail or prison.
- For parolees who have already received new sentences at the time of release from PCCS, code as 04, "Returned to Prison or Jail, New Sentence."
- Count persons returned to prison or jail with charges pending in Code 07.

### **Examples**

- For Code 01 (Discharged, Completion of Term),
  - A parolee, released from prison, is required to serve three years on parole. He finishes the three years and is discharged by the Adult Parole Authority. Use code 01, "Discharged, Completion of Term."

- An offender, released from prison, is required to serve three years on mandatory conditional release. He finishes two years and receives an early discharge by the supervising agency. Use code 01, "Discharged, Completion of Term."
- For Code 02 (Discharged, Absconder),
  - Wyoming parolee moved to New Mexico last year without the permission of the Wyoming Board of Parole. After six months, the Wyoming Parole Board relinquished jurisdiction. Use code 02, "Discharged, Absconder."
  - An offender on post-confinement community supervision in Nevada moved to New Mexico last year without permission of the Nevada supervising agency. As of December 31 of the report year, the Nevada supervising agency had not relinquished jurisdiction. Do not submit a PCCS exit record for this offender.
- For Code 03 (Discharged to Custody, Detainer or Warrant),
  - A Wisconsin probationer is discharged as a result of an extradition request from Texas. He is released to Texas custody on a warrant. Use code 03, "Discharged to Custody, Detainer or Warrant."
- For Code 04 (Returned to Prison or Jail, New Sentence),
  - While out on supervised release, an offender commits a crime and is sentenced to serve two years in prison. PCCS is revoked. Use code 04, "Returned to Prison or Jail, New Sentence."
- For Code 05 (Returned to Prison or Jail, PCCS Revocation),
  - A probationer in Wisconsin violates the conditions of his probation. The supervising agency formally revokes his probation and the offender is returned to the county jail to continue serving his sentence. Use code 05, "Returned to Prison or Jail, PCCS Revocation."
- For Code 06 (Returned to Prison or Jail, Revocation Pending),
  - A parolee is accused of violating conditions of his parole. He is sent to the state prison to await a decision from the Parole Authority concerning possible revocation. Use code 06, "Returned to Prison or Jail, Revocation Pending."
- For Code 07 (Returned to Prison or Jail, Charges Pending),
  - An offender on supervised release is charged with committing a new offense. He is held in the local jail to await trial on the new charge. Use code 07, "Returned to prison or jail, charges pending."
- For Code 08 (Transferred to Another Jurisdiction),
  - A parolee in Mississippi finds a new job in Alabama. The Mississippi Parole Board arranges for the parolee to be supervised in Alabama through an interstate compact agreement. Your state parole authority has not relinquished jurisdiction; therefore no parole exit has occurred. Use code 08, "Transferred to Another Jurisdiction."
  - An offender on PCCS in Mississippi finds a new job in Alabama. The Alabama Board of Pardons and Paroles agrees to assume jurisdiction over the parolee; Mississippi then terminates jurisdiction. Use code 08, "Transferred to Another Jurisdiction."

**Variable 28: Supervision Status Just Prior to Release REMOVED AS OF REPORTING YEAR 2018**

(There is no Variable 29)

## Variable 30: Inmate State ID Number

### Applies To

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)
- Post Confinement Community Supervision Admissions (Part E)
- Post Confinement Community Supervision Releases (Part F)

### Definition

- The inmate's unique, fingerprint-supported State Identification (SID) Number assigned by the state's criminal history repository.

### Additional Information

- All information that can identify individuals will be held strictly confidential by the NCRP data collection agent and the Bureau of Justice Statistics as required by Title 34, United States Code, Sections 10134 and 10231.

## Variable 31a: Indeterminate Sentence

### Applies To

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)

### Definition

- Report if any part of the total maximum sentence reported in Variable 15 an indeterminate sentence (a sentence in which the judge specifies a minimum and maximum prison term)

### Codes / Coding Information

Use either your agency's codes or the following NCRP codes for this variable.

- (1) Yes, any part of the total maximum sentence (Variable 15) is an indeterminate sentence
- (2) No, no part of the total maximum sentence (Variable 15) is an indeterminate sentence
- (9) Don't Know

### Examples

- An offender is serving a 10-year determinate sentence for robbery under a truth in sentencing law, and a 5-year sentence for drug trafficking under a mandatory minimum law.

- “No” for variable 31a (indeterminate sentence),
- “Yes” for variable 31b (determinate sentence),
- An offender is serving a 10 to 15-year indeterminate sentence for vehicular homicide, a 5-year determinate sentence for reckless endangerment, and a 3-year determinate sentence for driving under the influence of drugs. The 10 to 15-year indeterminate sentence for vehicular homicide is restricted by a truth in sentencing law. The vehicular homicide sentence is not a mandatory minimum, nor is the 5-year sentence for reckless endangerment. It is not known whether the 3-year sentence for driving under the influence of drugs is a mandatory minimum sentence. The correct entry is:
  - Variable 31a (indeterminate sentence) –Yes.
  - Variable 31b (determinate sentence) –Yes.

## Variable 31b: Determinate Sentence

### Applies To

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)

### Definition

- Report if any part of the total maximum sentence reported in variable 15 a determinate sentence (a sentence in which the judge sets a fixed prison term). The sentence may be reduced by good time credits or earned time.

### Codes / Coding Information

Use either your agency’s codes or the following NCRP codes for this variable.

- (1) Yes, any part of the total maximum sentence (Variable 15) is a determinate sentence
- (2) No, no part of the total maximum sentence (Variable 15) is a determinate sentence
- (9) Don’t Know

### Examples

- An offender is serving a 10-year determinate sentence for robbery under a truth in sentencing law, and a 5-year sentence for drug trafficking under a mandatory minimum law.
  - “No” for variable 31a (indeterminate sentence),
  - “Yes” for variable 31b (determinate sentence),
- An offender is serving a 10 to 15-year indeterminate sentence for vehicular homicide, a 5-year determinate sentence for reckless endangerment, and a 3-year determinate sentence for driving under the influence of drugs. The 10 to 15-year indeterminate sentence for vehicular homicide is restricted by a truth in sentencing law. The vehicular homicide sentence is not a mandatory minimum, nor is the 5-year sentence for reckless endangerment. It is not known whether the 3-

year sentence for driving under the influence of drugs is a mandatory minimum sentence. The correct entry is:

- Variable 31a (indeterminate sentence) –Yes.
- Variable 31b (determinate sentence) –Yes.

## **Variable 31c: Mandatory Minimum Sentence**

### **Applies To**

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)

### **Definition**

- Is any part of the total maximum sentence reported in variable 15 a mandatory minimum sentence (a minimum sentence specified by statute for a particular crime)?

### **Codes / Coding Information**

Use either your agency's codes or the following NCRP codes for this variable.

- (1) Yes
- (2) No
- (9) Don't Know

### **Examples (see Variable 31a)**

## **Variable 31d: Truth in Sentencing Restriction**

### **Applies To**

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)

### **Definition**

- Is any part of the total maximum sentence reported in Variable 15 restricted by a Truth in Sentencing Law (a statute which mandates that a certain percentage of the court-imposed sentence be served in prison)?

### **Codes / Coding Information**

Use either your agency's codes or the following NCRP codes for this variable.

- (1) Yes
- (2) No

(9) Don't Know

**Examples (see Variable 31a)**

## **Variable 32: Length of Court-Imposed Sentence to Community Supervision**

### **Applies To**

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)

### **Definition**

- The amount of time which the court states that the offender is required to serve under community supervision after release from prison.

### **Additional Information**

- This variable is applicable only if the court imposed a sentence to community supervision that is separate from the sentence to prison.
- The sentence to post-incarceration community supervision may be in the form of parole, probation, or other supervision in the community, as ordered by the court.

### **Examples**

- The offender is sentenced by the court to serve a 5-year fixed prison term and an additional 2-year term on community supervision after release from prison. The correct value to report is 2 years.
- The offender is sentenced by the court to serve a 2 to 10-year sentence in prison. The court did not sentence the offender to a separate term of community supervision. The term of community supervision will be determined by an administrative agency, such as a parole board, when the offender is approved for release from prison. The correct value to report is “not applicable.”

## **Variable 33: Parole Hearing / Eligibility Date**

### **Applies To**

- Prison Admissions (Part A)
- Prison Custody (Part D)

### **Definition**

- The date the offender is eligible for review by an administrative agency such as a parole board, to determine whether he or she will be released from prison.
- Report partial dates if the day or month is not known.

### **Additional Information**

- This variable is applicable only if the decision to release an offender is controlled by an administrative agency such as a parole board.
- The parole hearing eligibility date should be calculated from the total maximum sentence (variable 15) for all offenses. For the year-end custody record, report the next date the inmate will be eligible for a parole hearing.

### **Examples**

- An offender was admitted to prison on January 1, 1999, with a 15 years to life sentence for second degree murder. The law states the offender is eligible for parole board release after serving 85% of the minimum 15-year sentence (or 12 years 9 months). The parole eligibility date is calculated by adding 12 years 9 months to the date of admission. The offender will be eligible for parole board release on October 1, 2011.
- A judge sentences an offender to serve 2 to 4 years in prison for theft. The offender is eligible for parole board release after the minimum 2-year sentence has been served. The offender was admitted to prison on January 1, 2010, with 6 months in jail time credits. The parole eligibility date is calculated by adding two years to the date of admission, and subtracting six months for credited jail time. The parole eligibility date is July 1, 2010.
- An offender is admitted to prison on January 1, 2005, with a 10-year sentence for aggravated robbery. The law requires violent offenders to serve 50% of the sentence before they are eligible for parole board release. Good time credits may be accrued only after 50% of the sentence has been served. The parole eligibility date is 5 years from the date of admission, or January 1, 2010.
- While on parole, an offender is arrested for aggravated assault and is sentenced to a 10-year prison term for the new offense. At sentencing, the offender's parole is revoked with 2 years remaining on a previous robbery sentence. The offender is admitted to prison on January 1, 2004 as a parole violator, with a 12-year total maximum sentence for both convictions. Good time credits may be accrued only after 50% of the sentence has been served. The parole eligibility date is 6 years from the date of admission, or January 1, 2010.

## **Variable 34: Projected Release Date**

### **Applies To**

- Prison Admissions (Part A)
- Prison Custody (Part D)

### **Definition**

- The projected date on which the offender will be released from prison.
- Report partial dates if the day or month is not known.



## Additional Information

- Statutory requirements, good time credits, jail time credit, and any other factors which might modify the prison release date should be included in this calculation.
- If an offender is serving time for more than one offense, the projected release date should be calculated from the total maximum sentence (variable 15) for all offenses.

## Examples

- An offender enters prison on January 1, 2002, with a 10-year sentence for armed robbery. At sentencing, the offender received 6 months credit for time served in jail prior to being admitted to prison. While in prison, the State allows inmate to earn one day work credit for every 3 days served, not to exceed 15% of the sentence. The projected release date is calculated by subtracting the 6 months jail credit and the 1 ½ years of available work credit from the 10-year prison sentence. The offender's projected release date is 8 years from the date of admission or January 1, 2010.
- A judge sentences an offender to serve 10 years in prison for armed robbery. The offender is admitted to prison on January 1, 2002, and is required by State law to serve 6/7 of the 10-year sentence (8.57 years, or 8 years 6 months and 26 days). The offender's projected release date is 8 years 6 months and 26 days from the date of admission or July 26, 2010.
- A judge sentences an offender to serve 2 to 6 years in prison for theft. The offender is admitted to prison on January 1, 2007, and is given 3 years of good time credit (one-half the maximum sentence). Assuming the offender does not lose any good time while incarcerated, he or she is projected to be released after serving the remaining 3 years of the maximum sentence. The projected release date is calculated as January 1, 2010.
- A judge sentences an offender to serve 5 to 10 years in prison for aggravated robbery. The offender is admitted to prison on January 1, 2000, and given 5 years of good time credit (one-half the maximum sentence). After serving 8 years the offender has lost all good time credits due to disciplinary actions. The offender is expected to expire the sentence, or serve the entire 10-year maximum sentence, and be released unconditionally from prison. The projected release date is 10 years from the date of admission or January 1, 2010.
- While on parole, an offender is arrested and convicted for armed robbery and sentenced to a 10-year prison term for the new offense. The offender's parole is revoked with 2 years remaining on a previous robbery sentence. The offender is admitted to prison on January 1, 2004 as a parole violator, with a 12-year total maximum sentence for both robbery convictions. The offender is given 6 years of good time credit at admission (one-half the total maximum sentence). The projected release date is 6 years from the date of admission, or January 1, 2010.

## Variable 35: Mandatory Release Date

### Applies To

- Prison Admissions (Part A)
- Prison Custody (Part D)

## Definition

- The date the offender by law must be conditionally released from prison.
- Report partial dates if the day or month is not known.

## Additional Information

- This date should reflect jail time credits and any statutory or administrative sentence reductions, including good time.
- The mandatory release date should be calculated from the total maximum sentence (variable 15) for all offenses.
- This variable is intended to capture mandatory conditional release policies structured around good time and other administrative sentence reductions.
- Do not set to the date the offender's sentence will expire (serve the entire sentence and be released unconditionally from prison).

## Examples

- An offender is admitted to prison on January 1, 2006, with a 5 to 10-year prison sentence for fraud. The law requires mandatory release for non-violent offenders when good time credits plus actual time served in prison equals the maximum sentence. The offender is allowed to earn a maximum of 45 days good time credit for every 30 days served. The mandatory release date is calculated by determining the date the offender's actual time served plus good time will equal the maximum sentence. After serving 4 years, the offender will have earned a maximum of 6 years in good time credit. The mandatory release date is 4 years from the date of admission, or January 1, 2010.

## Variable 36: First Name

### Applies To

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)
- Post Confinement Community Supervision Admissions (Part E)
- Post Confinement Community Supervision Releases (Part F)

### Definition

- The first name of the offender.

### Additional Information

- All information that can identify individuals will be held strictly confidential by the NCRP data collection agent and the Bureau of Justice Statistics, in accordance with Title 34, United States Code, Sections 10134 and 10231.

## Variable 37: Last Name

### Applies To

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)
- Post Confinement Community Supervision Admissions (Part E)
- Post Confinement Community Supervision Releases (Part F)

### Definition

- The last name of the offender.

### Additional Information

- All information that can identify individuals will be held strictly confidential by the NCRP data collection agent and the Bureau of Justice Statistics, in accordance with Title 34, United States Code, Sections 10134 and 10231.
- 

## Variable 38: Facility Name

### Applies To

- Prison Custody (Part D)

### Definition

- Name of the facility in which the prisoner will be incarcerated at yearend.

## Variable 39: FBI Number

### Applies To

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)
- Post Confinement Community Supervision Admissions (Part E)
- Post Confinement Community Supervision Releases (Part F)

### Definition

- The unique identification number given by the Federal Bureau of Investigation/ Interstate Identification Index to each offender.

## Codes / Coding Information

- All information that can identify individuals will be held strictly confidential by the NCRP data collection agent and the Bureau of Justice Statistics as required by Title 34, United States Code, Sections 10134 and 10231.

## Variable 40: Prior Military Service

### Applies To

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)
- Post Confinement Community Supervision Admissions (Part E)
- Post Confinement Community Supervision Releases (Part F)

### Definition

- Report if the inmate ever serve in the U.S. Armed Forces.

## Codes / Coding Information

Use either your agency's codes or the following NCRP codes for this variable.

- (1) *Yes.* Inmate served in the U.S. Armed Forces. Does not require that the inmate receive veterans' benefits, nor that the inmate served in a conflict situation. Includes all branches of the military, including the Coast Guard.
- (2) *No.* Inmate never served in the U.S. Armed Forces.
- (9) *Don't Know*

## Variable 41: Date of Last Military Discharge

### Applies To

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)
- Post Confinement Community Supervision Admissions (Part E)
- Post Confinement Community Supervision Releases (Part F)

### Definition

- The date the inmate was discharge from the U.S. Armed Forces for the final time.
- Report partial dates if the day or month is not known.

## Variable 42: Type of Last Military Discharge

### Applies To

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)
- Post Confinement Community Supervision Admissions (Part E)
- Post Confinement Community Supervision Releases (Part F)

### Definition

- The type of discharge the offender received from the U.S. Armed Forces on the date in Variable 41.

### Codes / Coding Information

Use either your agency's codes or the following NCRP codes for this variable. If using your own codes, please provide their definitions to the NCRP data collection agent.

- (1) *Honorable*. Offender received a rating from good to excellent for their service.
- (2) *General (honorable conditions)*. Offender's military performance was satisfactory.
- (3) *General (not honorable conditions)*. Offender's military performance was satisfactory but marked by a considerable departure in duty performance and conduct expected of military members.
- (4) *Other than honorable*. Offender's military performance was a serious departure from the conduct and performance expected of all military members.
- (5) *Bad conduct*. Only given by a court martial.
- (6) *Dishonorable*. May be rendered only by conviction at a general court-martial for serious offenses that call for dishonorable discharge as part of the sentence.
- (7) *Other*.
- (9) *Not Known*.

## Variable 43: Date of Admission to Post Confinement Community Supervision

### Applies To

- Post Confinement Community Supervision Admissions (Part E)
- Post Confinement Community Supervision Releases (Part F)

### Definition

- The date the offender was most recently admitted to post-confinement community supervision on the current sentence.
- Report partial dates if the day or month is not known.

## Variable 44: Type of Admission to Post Confinement Community Supervision

### Applies To

- Post Confinement Community Supervision Admissions (Part E)
- Post Confinement Community Supervision Releases (Part F)

### Definition

- The reason an offender entered into post-confinement community supervision on the date provided in Variable 43 (Date of Admission to Post-Confinement Community Supervision) of the current record.
- As necessary, provide information in a separate file that will enable Abt Associates to re-code your agency's PCCS admission type codes into the NCRP PCCS admission type categories listed below.

### Codes / Coding Information

Use either your agency's codes or the following NCRP codes for this variable. If using your own codes, please provide their definitions to the NCRP data collection agent.

- (1) *Discretionary release from prison.* An offender being admitted to PCCS based on the decision of the Governor, the department of correction, or parole board, or commutation of sentence.
- (2) *Mandatory conditional release from prison.* An offender being admitted to PCCS based on a determinate sentencing statute or good-time provision
- (3) *Reinstatement of PCCS.* Offenders returned to PCCS status, including discharged absconders whose cases were reopened, revocations with immediate reinstatement, and offenders re-admitted to PCCS at any time under the same sentence.
- (4) *Court-imposed sentence to PCCS that begins upon release from prison.* An offender being admitted to PCCS based on a judicial sentence of a period of incarceration immediately followed by a period of PCCS.
- (5) *Transferred from another jurisdiction.* An offender admitted following a term of confinement or community supervision in another state when that state transfers legal authority of the offender to your state.
- (6) *Other.*
- (9) *Not known.*

## Variable 45: County Where Offender was Released / County Where PCCS Office is Located

### Applies To

- Post Confinement Community Supervision Releases (Part F)

### **Definition**

- The county where the offender was released from post-confinement community supervision on the date in Variable 26.
- If this information is not available, please report the county where the post-confinement community supervision (PCCS) office to which the offender reported before exit is located.

### **Codes / Coding Information**

- If possible, use either the name of the county or the 5-digit county FIPS code (available at <http://www.itl.nist.gov/fipspubs/co-codes/states.txt>).

## **Variable 46: Social Security Number**

### **Applies To**

- Prison Admissions (Part A)
- Prison Releases (Part B)
- Prison Custody (Part D)
- Post Confinement Community Supervision Admissions (Part E)
- Post Confinement Community Supervision Releases (Part F)

### **Definition**

- The offender's nine-digit Social Security Number (SSN).

### **Codes / Coding Information**

- All information that can identify individuals will be held strictly confidential by the NCRP data collection agent and the Bureau of Justice Statistics, as required by Title 34, United States Code, Sections 10134 and 10231.
- If your agency can only provide the last four digits of the SSN, please submit the last four digits.
- Contact your NCRP data collection agent site liaison if your agency requires additional information or a signed Data Use Agreement before including SSNs in your NCRP submission.
- 

### **Additional Information**

- SSNs allow BJS to link the NCRP data to a variety of Federal administrative datasets that contain information on income, employment, mortality, and public assistance histories of prisoners and their families before and after incarceration. This will enable researchers and policymakers to broaden their understanding of the factors that contribute to recidivism or successful reentry into society, and enable analysts to better understand the inter-relationship among poverty, health, crime, and other social-economic indicia.

## Variable 47: Last Known Address Prior to Incarceration

### Applies To

- Prison Admissions (Part A)
- Post Confinement Community Supervision Admissions (Part E)

### Definition

- The offender's last known address prior to incarceration.

### Codes / Coding Information

- All information that can identify individuals will be held strictly confidential by the NCRP data collection agent and the Bureau of Justice Statistics, as required by Title 34, United States Code, Sections 10134 and 10231.
- Please provide the street address (number, name, and suffix), city, state, and zip code in separate fields or delimit them in some way.
- If your agency does not allow release of the offender's last known address, please consider submitting less detailed geographic information, such as the zip code or the county where the offender resided prior to incarceration.

Contact your NCRP data collection agent site liaison if your agency requires additional information or a signed Data Use Agreement before including the offender's last known address in your NCRP submission.

### Additional Information

- This information allows BJS to produce more accurate imprisonment rates for areas smaller than states and to link NCRP data to other Federal administrative records.

## Variable 48: Offender Custody Level

### Applies To

- Prison Custody (Part D)

### Definition

- The offender's custody level at yearend. Custody level is used to determine the types of facilities where the offender can be assigned and whether the offender is available for work assignments outside security fences (and, if so, under what circumstances).

### Codes / Coding Information

Use either your agency's custody level codes or the following NCRP codes for this variable. If using your own codes, please provide their definitions to the NCRP data collection agent.



- (1) *Community* – is assigned to offenders posing the least threat to public safety. They include offenders assigned to community or residential facilities outside institutional perimeters and those who participate in work, education, or other activities in the community. They are generally permitted to move unescorted for program and work assignments.
- (2) *Minimum* – is assigned to offenders who are not eligible for placement at a community residential facility and are typically housed in facilities characterized by a fenced or "posted" perimeter. Normal entry and exit are under visual surveillance.
- (3) *Medium* – is assigned to offenders needing more supervision than what is provided in minimum security prisons. They are typically housed in facilities characterized by a single or double fenced perimeter with armed coverage by towers or patrols. Typically, offenders' inside movement and call-outs require passes and/or supervision, and movement outside of institutional perimeters requires restraints and/or armed supervision for work or program assignments.
- (4) *Maximum, close, or high* – is assigned to offenders requiring the highest degree of supervision because they pose a danger to others and to the institution; or because their well-being would be in jeopardy if they refused protective custody. These prisoners cannot participate in activities requiring outside movement, and their inside movement is closely observed.
- (5) *Not classified*. The offender has not yet been assigned a custody level.
- (9) *Not known*.

## Variable 49: US Citizen

### Applies To

- Prison Admissions (Part A)
- Prison Custody (Part D)
- Post Confinement Community Supervision Admissions (Part E)

### Definition

- Whether the offender is currently a citizen of the United States.

### Codes / Coding Information

- (1) *Yes*. Inmate is currently a citizen of the United States.
- (2) *No*. Inmate is not currently a citizen of the United States.
- (3) *Don't know*

### Additional Information

- If your offender management system does not have a US citizen Yes/No flag but has the offender's country of citizenship, include the country of current citizenship in your submission and the NCRP data collection agent will derive the US Citizen variable from the country of citizenship.

- Submission of this variable is voluntary.

## **Variable 50: Country of Citizenship**

### **Applies To**

- Prison Admissions (Part A)
- Prison Custody (Part D)
- Post Confinement Community Supervision Admissions (Part E)

### **Definition**

- The offender's country of current citizenship

### **Codes / Coding Information**

- Include either the name of the country or a country code (and include the meaning of the country codes with your submission).

### **Additional Information**

- Submission of this variable is voluntary.

## **Variable 51: Country of Birth**

### **Applies To**

- Prison Admissions (Part A)
- Prison Custody (Part D)
- Post Confinement Community Supervision Admissions (Part E)

### **Definition**

- The offender's country of birth

### **Codes / Coding Information**

- Include either the name of the country or a country code (and include the meaning of the country codes with your submission).

### **Additional Information**

- Submission of this variable is voluntary.

## **Appendix I**

### **NCRP frequently asked questions fact sheet**

## What is the National Corrections Reporting Program (NCRP)?

NCRP collects offender-level data on admissions to and releases from prisons and post-confinement community supervision. The Bureau of Justice Statistics has administered the NCRP since 1983. State departments of correction and community supervision provide these data, which are used at the federal and state levels to monitor correctional populations and address policy questions related to recidivism, prisoner reentry, and trends in demographic characteristics of the incarcerated and paroled populations.

## What is the Bureau of Justice Statistics?

The Bureau of Justice Statistics (BJS), a component of the Office of Justice Programs in the U.S. Department of Justice, is the United States' primary source for criminal justice statistics. BJS's mission is to collect, analyze, publish, and disseminate information on crime, criminal offenders, victims of crime, and the operation of justice systems at all levels of government. These data are critical to federal, state, and local policymakers in combating crime and ensuring that justice is both efficient and evenhanded.

## What is Abt Associates' role in NCRP?

Abt Associates has been collecting NCRP on behalf of BJS since 2010. Prior to then, the U.S. Census Bureau was the NCRP data collection agent. Abt is responsible for collecting, processing and analyzing data submitted by state departments of corrections and community supervision. Working with BJS, Abt has implemented BJS's vision to enhance and expand the NCRP system. Abt has over 40 years of experience working with the U.S. Department of Justice and other criminal justice agencies across the country.

## What data are collected under NCRP?

Most states submit NCRP data annually, for prisoners or individuals on community supervision during the previous calendar year. State departments of correction are asked to provide three data files:

- Prison Admissions (Part A): one record for each *admission* of a sentenced offender to the state's prison system.
- Prison Releases (Part B): one record for each *release* of a sentenced offender from the state's prison system.
- Prison Custody (Part D): one record for each sentenced offender in the physical custody of the state's prison system at year end.

State agencies responsible for supervising offenders on a term of community supervision immediately after release from prison are asked to provide two data files:

- Post Confinement Community Supervision Admissions (Part E): one record for each *admission* to a post-confinement community supervision program.
- Post Confinement Community Supervision Releases (Part F): one record for each *release* from a post-confinement community supervision program.

The NCRP data request documentation contains complete information on all the requested data elements. While the data elements differ somewhat across the five data files, they generally include:

- Offender characteristics (e.g., unique agency identifier, name, last known address, SSN, date of birth, race, sex, veteran status)
- Sentence characteristics (e.g., county where sentence imposed, offenses, sentence length)
- Date and type of admission to prison
- Date and type of release from prison
- Date and type of admission to post-confinement community supervision
- Date and type of release from post-confinement community supervision

### **What if all of the data can't be provided?**

BJS understands that the requested data elements may not be collected by all agencies or some agencies' policies may not allow sharing of certain data. You may provide a portion of the requested items. The data request documentation also highlights the "core" data elements that are most important to NCRP.

### **How long will it take to respond to the NCRP?**

The amount of time depends on the characteristics of your agency's offender information system, the type of data extraction tools available for the system, and the level of expertise agency staff have in using those tools. The biggest time commitment is in the first year of participation, when data extract procedures must be developed. BJS estimates the time needed to develop computer programs to extract data and to prepare a response to be 24 hours, on average, per type of database containing the information needed for the first year of participation, and 8 hours, per type of database, during the second and subsequent years. Feedback during data processing and review is estimated to take 3 hours. Average total burden for reporting year 2019 is 29 hours per state. Send comments regarding this burden estimate or any other aspects of the collection of this information, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531, and to the Office of Management and Budget, OMB number 1121-0065, Washington, DC 20503. For more information on the NCRP reporting burden (OMB No. 1121-0065 Exp. 10/31/2021), see the NCRP's OMB submission.<sup>1</sup>

### **When is the data submission due?**

The submission date for NCRP data is March 31 of each year. If it is not possible to meet this date, the Abt NCRP site liaison assigned to your state will work with you to determine a submission date.

### **Is there a specific format or coding scheme for the data?**

There is no required format or coding scheme for the data you submit. The codes provided in the NCRP Data Request Instructions are suggested, but BJS and its data collection agent can convert state-specific codes to the standard NCRP ones if you provide documentation for the codes you submit.

### **How are data submitted to the NCRP?**

The preferred method for submitting data to Abt Associates is via the NCRP data transfer site ([transfer.abtassoc.com](https://transfer.abtassoc.com)). This site is compliant with FIPS (Federal Information Processing Standard) 140-2 and meets all the requirements of the Federal Information Security Management Act (FISMA) and the Privacy Act. The data are automatically encrypted during transit.

### **How does BJS keep the NCRP data secure?**

BJS and Abt are bound by federal law (34 USC 10231) which provides that, "No officer or employee of the Federal Government, and no recipient of assistance under the provisions of this chapter shall use or reveal any research or statistical information furnished under this chapter by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this chapter. Such information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings." Both BJS and Abt are required to follow the BJS Data Protection Guidelines (<https://www.bjs.gov/content/pub/pdf/BJSDataProtectionGuidelines.pdf>).

### **What happens after data are submitted?**

Abt will verify the contents of the data files and conduct a series of validity checks, including comparing the submitted data to your submissions from prior years. Typically, this will be accomplished within 1 to 3 weeks of receipt of your data. Your Abt site liaison will then contact you to review the findings.

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<sup>1</sup> [https://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201208-1121-005](https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201208-1121-005)

### **How will the NCRP data be used?**

NCRP data are used at the federal and state levels to address policy questions related to recidivism, prisoner reentry, and trends in demographic characteristics of correctional and community supervision populations. BJS uses NCRP data to monitor these issues at the national level. Abt Associates actively solicits ideas from state NCRP contacts on how NCRP data can be used in their state. Researchers at universities and other institutions can access NCRP data - minus offender unique identifiers and names - at the National Archive of Criminal Justice Data (<http://www.icpsr.umich.edu/icpsrweb/NACJD/>), following a review by an Institutional Review Board (IRB).

### **Why is BJS requesting SSNs?**

One of the unique features of the NCRP is the potential to link individual offender records to other administrative records. By adding SSNs to the NCRP, BJS will be able to link NCRP data to records from a variety of federal administrative datasets that contain information on income, employment, mortality, or public assistance histories of prisoners and their families before and after incarceration. This will enable a broader understanding of the factors that contribute to successful prisoner reentry into society, and a better understanding of the inter-relationship of poverty, health, crime, and other social-economic indicators. Linking will be performed in a way that protects personal information. BJS will produce state-level statistical reports from the linked datasets and provide these back to the state departments of corrections' separately.

### **How will NCRP data be linked to other administrative data sets?**

BJS has partnered with the U.S. Census Bureau's Center for Administrative Records Research and Applications (CARRA), which has obtained person-level data from other federal agencies, including data on supplemental security income from the Social Security Administration, assistance from Temporary Assistance for Needy Families (TANF), and subsidized health insurance from the Centers for Medicare and Medicaid Services. Linking occurs only behind CARRA's firewall at Federal Statistical Research Data Centers by individuals who have gone through a security background check, taken data security training, and received BJS and Census Bureau approval for individual projects. Currently, these individuals are from BJS and its NCRP data collection agent (Abt Associates), but state officials may also request access to CARRA.

**Once a link is made, all personally identifiable information (PII) that you provide to us for NCRP (names, SSNs, inmate IDs, FBI IDs, addresses) are deleted from the NCRP data file housed at CARRA.**

### **How are offender's SSN, last known address, and other personal information protected?**

NCRP computer files containing SSNs and other personal information are protected at each point in the process, from submission by states to linking the data at CARRA. See the FAQ on page 2 "How does BJS keep the NCRP data secure?" for further information.

In addition, only aggregate analyses of linked data are permitted, and CARRA carefully screens all output to ensure that it does not contain any personal identifiers or information that could be used to reconstruct the identity of an individual.

### **Are there any legal impediments to including SSNs in the NCRP?**

From the federal government's perspective, there are no legal impediments and the federal Office of Management and Budget (OMB) approved BJS's request to include SSNs and addresses in the NCRP beginning on 10/31/2015.

As necessary, BJS and its data collection agent will sign a Data Use Agreement that specifies how SSNs can be used.

### **What if nine-digit SSNs can't legally be provided? Is it ok to provide only the last four digits?**

Yes. CARRA is also set up to link records using only the last four digits of the SSN. However, the linkage rate is higher with the full SSN, so if your agency can legally provide all 9 digits, we ask that you do so.

### **Why is BJS requesting the offender's last known address prior to incarceration?**

Collection of an inmate's home address prior to imprisonment, helps link NCRP to other sources of administrative data and it allows BJS to produce accurate imprisonment rates for areas smaller than states. The only other

geographic variables captured in NCRP are the custodial state where the inmate is held, the state with legal authority over the inmate, and the county in which the inmate was sentenced.

### **Can other federal agencies and researchers get access to the NCRP data through CARRA?**

No. BJS has requested that CARRA classify the NCRP data as 'restricted,' meaning BJS must approve any request to use the data. Only those people designated by BJS and given Special Sworn Status by the Census Bureau will be able to access the NCRP data.

### **What is new this year in NCRP?**

To meet a Department of Justice request that BJS provide more statistics on citizenship status of prisoners, BJS is adding the following variables for the 2018 data year: country of current citizenship of prisoner, country of birth of prisoner, and whether the prisoner is currently a U.S. citizen. As always, BJS stresses that the submission of these items, along with all variables on NCRP, is voluntary. If your DOC does not feel comfortable providing these items, or provision of these items would cause undue burden, please feel free to not submit them.

BJS is also removing 7 variables from the NCRP that have poor response rates. Please see the NCRP Data Collection Request Instructions for details.

### **Who do we contact for more information?**

- **Tom Rich** (Abt Associates Project Director and site liaison) - [tom\\_rich@abtassoc.com](mailto:tom_rich@abtassoc.com) or 617-349-2753
- **Michael Shively** (Abt Associates site liaison) - [michael\\_shively@abtassoc.com](mailto:michael_shively@abtassoc.com) or 617-520-3562
- **Ann Carson** (BJS Corrections Unit Acting Chief) - [elizabeth.carson@usdoj.gov](mailto:elizabeth.carson@usdoj.gov) or 202-616-3496
- Or, visit [www.ncrp.info](http://www.ncrp.info)

## **Appendix J**

**Item response rates for 2016 NCRP, and use of NCRP variables by researchers, 2015-2018**



Variable Number	Variable Name	Description	Year added to NCRP data collection	NCRP record type that includes variable	# states reporting variable in 2016	% of 2016 submitted records with nonmissing value for variable (based on states that submitted records)	Use by BJS	Use by external researchers (numbers correspond to citations at the end of this appendix)	Notes
1	County in Which Sentence was Imposed	The county where the court imposing the current sentence is located	1983	A	41 / 44	99.8%		4, 8, 10, 16, 17, 19, 32, 35, 45	
				B	42 / 46	99.2%			
				D	41 / 46	99.9%			
				E	28 / 31	99.1%			
				F	26 / 30	98.3%			
2	Inmate ID Number	A unique number that identifies an offender within the agency for this admission and all subsequent admissions.	1983	A	44 / 44	100.0%	Used to construct NCRP Term Records	N/A: Item is PII and not available on archived public-use file (PUF) or restricted-use file (RUF)	
				B	46 / 46	100.0%			
				D	46 / 46	100.0%			
				E	29 / 31	100.0%			
				F	28 / 30	100.0%			
3	Date of Birth	The offender's date of birth	1983	A	44 / 44	100.0%	Used to PIK data behind the CARRA firewall; identify recidivists in longitudinal NCRP datasets; Used to construct NCRP Term Records; Used to calculate age for annual <i>Prisoners in YYYY</i> bulletin and <i>Aging of the State Prison Population</i> report (2016; NCJ 248766)	2, 3, 5, 6, 8, 11, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 33, 35, 38, 40, 42, 43, 44, 46, 48, 49, 50, 51, 53	The day field (DD) of this data element is set to 15 for every person in the archived NCRP RUF to further protect privacy
				B	46 / 46	99.6%			
				D	46 / 46	100.0%			
				E	31 / 31	100.0%			
				F	30 / 30	99.8%			

Variable Number	Variable Name	Description	Year added to NCRP data collection	NCRP record type that includes variable	# states reporting variable in 2016	% of 2016 submitted records with nonmissing value for variable (based on states that submitted records)	Use by BJS	Use by external researchers (numbers correspond to citations at the end of this appendix)	Notes
4	Sex	The offender's biological sex	1983	A	44 / 44	100.0%	Used to construct NCRP Term Records; Used in annual <i>Prisoners in YYYY</i> bulletin published by BJS	1, 3, 5, 6, 7, 9, 11, 14, 19, 20, 21, 23, 25, 26, 27, 28, 30, 33, 35, 38, 40, 42, 43, 44, 45, 46, 48, 49, 51, 52, 53	
				B	46 / 46	99.7%			
				D	46 / 46	100.0%			
				E	31 / 31	100.0%			
				F	30 / 30	99.9%			
5	Race	The offender's race	1983	A	44 / 44	97.6%	Used to construct NCRP Term Records; Used in annual <i>Prisoners in YYYY</i> bulletin published by BJS	1, 3, 5, 6, 7, 8, 10, 11, 14, 15, 19, 21, 23, 25, 26, 27, 28, 29, 30, 32, 33, 35, 38, 40, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53	
				B	46 / 46	97.9%			
				D	45 / 46	97.6%			
				E	31 / 31	97.9%			
				F	30 / 30	97.3%			
6	Hispanic Origin	Is the offender of Hispanic origin?	1983	A	42 / 44	91.9%	Used to construct NCRP Term Records; Used in annual <i>Prisoners in YYYY</i> bulletin published by BJS	3, 6, 7, 8, 10, 11, 14, 15, 19, 25, 26, 27, 28, 29, 30, 32, 33, 35, 38, 43, 45, 46, 48, 49, 52, 53	
				B	44 / 46	89.7%			
				D	44 / 46	85.6%			
				E	30 / 31	84.4%			
				F	29 / 30	85.3%			
7	Highest Grade Completed	The highest academic grade level the offender completed prior to admission to prison on the current sentence	1983	A	32 / 44	83.5%	Will be compared to self-report data from BJS' 2016 Survey of Prison Inmates (SPI) to determine quality of data element	23, 44, 52, 53	
				B	34 / 46	84.9%			
				D	34 / 46	87.6%			
				E	22 / 31	82.3%			
				F	21 / 30	81.2%			

Variable Number	Variable Name	Description	Year added to NCRP data collection	NCRP record type that includes variable	# states reporting variable in 2016	% of 2016 submitted records with nonmissing value for variable (based on states that submitted records)	Use by BJS	Use by external researchers (numbers correspond to citations at the end of this appendix)	Notes
8	Date of Admission to Prison	The most recent date the offender was admitted into the custody of the state prison system on the current sentence	1983	A	44 / 44	100.0%	Used to construct NCRP Term Records	1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 46, 47, 50, 51, 52, 53	The day field (DD) of this data element is set to 15 for every person in the archived NCRP RUF to further protect privacy
				B	45 / 46	99.9%			
				D	45 / 46	99.7%			
9	Type of Admission to Prison	The reason an offender entered into the physical custody of a correctional facility on the date provided in the current record	1983	A	42 / 44	98.4%	Used to construct NCRP Term Records; Used in annual <i>Prisoners in YYYY</i> bulletin published by BJS	7, 9, 10, 12, 15, 17, 18, 20, 21, 22, 24, 25, 27, 28, 31, 33, 34, 39, 41, 43, 44, 47, 52, 53	
				B	42 / 46	96.4%			
				D	41 / 46	98.2%			
10	Jurisdiction on Date of Admission	The state with the legal authority to enforce the prison sentence	1983	A	39 / 44	100.0%	Used to compare to jurisdiction population and admission counts from BJS' National Prisoner Statistics program (NPS)	10, 28, 33, 43	
				B	41 / 46	99.9%			
				D	39 / 46	100.0%			
11	Prior Jail Time	The length of time served in jail prior to the date of admission and credited to prison service for the current sentence	1983	A	27 / 44	88.0%			
				B	27 / 46	91.1%			
				D	26 / 46	95.4%			

Variable Number	Variable Name	Description	Year added to NCRP data collection	NCRP record type that includes variable	# states reporting variable in 2016	% of 2016 submitted records with nonmissing value for variable (based on states that submitted records)	Use by BJS	Use by external researchers (numbers correspond to citations at the end of this appendix)	Notes
12	Prior Prison Time	The length of time served in prison prior to the date of admission and credited to prison service for the current sentence	1983	A	14 / 44	80.1%	<b>REMOVAL PROPOSED</b>		
				B	14 / 46	85.3%			
				D	14 / 46	79.4%			
13	Offenses	Crime(s) for which the offender was admitted to prison on the current sentence(s), including the number of counts for each offense.	1983	A	44 / 44	99.0%	Used in annual <i>Prisoners in YYYY</i> bulletin published by BJS; Used to construct NCRP Term Records	1, 2, 4, 7, 8, 9, 10, 12, 13, 14, 15, 19, 20, 21, 23, 24, 25, 29, 30, 31, 33, 34, 35, 36, 37, 40, 42, 43, 44, 47, 51, 52, 53	
				B	46 / 46	98.9%			
				D	45 / 46	97.7%			
				E	30 / 31	99.6%			
				F	29 / 30	98.8%			
14a	Offense with Longest Maximum Sentence	Of the crimes, the ONE crime for which the inmate received the longest sentence	1983	A	44 / 44	99.0%	Used in annual <i>Prisoners in YYYY</i> bulletin published by BJS; Used to construct NCRP Term Records	1, 2, 4, 7, 8, 9, 10, 12, 13, 14, 15, 19, 20, 21, 23, 24, 25, 29, 30, 31, 33, 34, 35, 36, 37, 40, 42, 44, 47, 51, 52, 53	
				B	46 / 46	98.9%			
				D	45 / 46	97.7%			
14b	Sentence Length for Offense with Longest Maximum Sentence	The maximum sentence as stated by the court that the offender is required to serve for the offense with longest maximum sentence	1983	A	39 / 44	98.4%	Used in annual <i>Prisoners in YYYY</i> bulletin published by BJS; Used to construct NCRP Term Records	1, 7, 9, 10, 17, 18, 20, 21, 22, 23, 24, 25, 33, 35, 38, 39, 40, 41, 42, 44, 47	Not all states can supply this variable, total maximum sentence length substituted where needed.
				B	39 / 46	98.3%			
				D	37 / 46	99.3%			

Variable Number	Variable Name	Description	Year added to NCRP data collection	NCRP record type that includes variable	# states reporting variable in 2016	% of 2016 submitted records with nonmissing value for variable (based on states that submitted records)	Use by BJS	Use by external researchers (numbers correspond to citations at the end of this appendix)	Notes
15	Total Maximum Sentence Length	The longest length of time as stated by the court that the offender could be required to serve for all offenses.	1983	A	43 / 44	98.7%	Used in annual <i>Prisoners in YYYY</i> bulletin published by BJS; Used to construct NCRP Term Records	1, 6, 7, 9, 10, 17, 18, 20, 21, 22, 23, 24, 25, 33, 35, 38, 39, 40, 41, 42, 44, 47	
				B	45 / 46	98.6%			
				D	43 / 46	99.3%			
17	Location where Offender is to Serve Sentence	The type of facility in which the offender will be incarcerated to serve time for his/her crime.	1983	A	31 / 44	99.1%		10	
				B	30 / 46	98.2%			
				D	30 / 46	99.7%			
18	Additional Offenses Since Admission Date	Any additional offense imposed after the date of admission, regardless of the date of the crime.	1983	B	8 / 46	44.0%	<b>REMOVAL PROPOSED</b>		
				D	9 / 46	35.1%			
19	Additional Sentence Time Since Admission	The maximum time the inmate may be incarcerated consecutive to the maximum sentence length.	1983	B	8 / 46	94.2%	<b>REMOVAL PROPOSED</b>		
				D	7 / 46	87.3%			
20	Prior Felony Incarcerations	Was the offender ever sentenced to confinement for a felony as a juvenile or adult prior to his/her current prison admission?	1983	B	21 / 46	99.3%	With the advent of term records, this is redundant, however BJS intends to evaluate the quality of this variable by matching to SPI records.	7, 10, 23, 33, 42, 44, 52, 53	
				D	15 / 46	99.9%			

Variable Number	Variable Name	Description	Year added to NCRP data collection	NCRP record type that includes variable	# states reporting variable in 2016	% of 2016 submitted records with nonmissing value for variable (based on states that submitted records)	Use by BJS	Use by external researchers (numbers correspond to citations at the end of this appendix)	Notes
21	AWOL or Escape	Was the offender AWOL or did (s)he escape while serving sentences?	1983	B	24 / 46	95.6%	REMOVAL PROPOSED		
22a	Community Release Prior to Prison Release	Prior to release from the custody of a prison system, was the offender concurrently under community based supervision or placement?	1983	B	16 / 46	83.1%	REMOVAL PROPOSED		
22b	Number of Days on Community Release	The number of days the inmate was on community release prior to release from prison	1983	B	11 / 46	29.2%	REMOVAL PROPOSED		
23a	Date of Release from Prison	The most recent calendar date that the state's prison custody terminated	1983	B	46 / 46	100.0%	Used to construct NCRP Term Records	1, 2, 3, 6, 7, 9, 10, 12, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 47, 48, 50, 51, 52, 53	The day field (DD) of this data element is set to 15 for every person in the archived NCRP RUF to further protect privacy
				E	26 / 31	95.6%			
				F	27 / 30	98.3%			
23b	Location at Time of Prison Release	The type of facility that had been used for the custody or care of the offender just prior to release	1983	B	34 / 46	99.1%			

Variable Number	Variable Name	Description	Year added to NCRP data collection	NCRP record type that includes variable	# states reporting variable in 2016	% of 2016 submitted records with nonmissing value for variable (based on states that submitted records)	Use by BJS	Use by external researchers (numbers correspond to citations at the end of this appendix)	Notes
24	Agencies Assuming Custody at Time of Prison Release	The type and location of agency that assumes custody (physical or supervisory) over an inmate's freedom at the time of prison release	1983	B	26 / 46	92.0%			BJS has plans to evaluate the quality and use of this variable in the next 3 years, particularly regarding whether sex offenders entering civil commitment sentences can be identified.
				E	17 / 31	100.0%			
				F	16 / 30	99.6%			
25	Type of Release from Prison	The method of, or reason for, departure from the custody of your prison system on the reported date of release	1983	B	43 / 46	99.1%	Used to construct NCRP Term Records	7, 9, 12, 15, 17, 18, 19, 20, 22, 23, 24, 25, 27, 29, 35, 38, 39, 40, 41, 42, 43, 44, 52	
				E	23 / 31	94.4%			
				F	22 / 30	96.3%			
26	Date of Release from Post-Confinement Community Supervision	The date of discharge or termination from post-confinement community supervision jurisdiction for any reason, including returning the offender to prison	1983	F	28 / 30	100.0%	Used to construct NCRP Term Records	15, 19, 25, 42, 48	The day field (DD) of this data element is set to 15 for every person in the archived NCRP RUF to further protect privacy

Variable Number	Variable Name	Description	Year added to NCRP data collection	NCRP record type that includes variable	# states reporting variable in 2016	% of 2016 submitted records with nonmissing value for variable (based on states that submitted records)	Use by BJS	Use by external researchers (numbers correspond to citations at the end of this appendix)	Notes
27	Type of Release from Post-Confinement Community Supervision	The reason for the termination of post-confinement community supervision jurisdiction that occurred on the date provided in Variable 26	1983	F	27 / 30	95.7%	Used to construct NCRP Term Records	19, 25, 42	
28	Supervision Status Just Prior to Release	The level of contact the PCCS agency had with the offender during the year prior to release from PCCS	1983	F	16 / 30	99.1%	<b>REMOVAL PROPOSED</b>		
30	State ID Number	The offender's unique, fingerprint-supported state identification number	1983	A	36 / 44	94.7%	Used to construct NCRP Term Records; Used for linkage to FBI RAP sheets for BJS recidivism research	N/A: Item is PII and not available on archived public-use file (PUF) or restricted-use file (RUF)	
				B	36 / 46	94.0%			
				D	36 / 46	95.1%			
				E	25 / 31	97.9%			
				F	24 / 30	97.5%			
31a	Indeterminate Sentence	Does the total maximum sentence include an indeterminate sentence?	2006	A	23 / 44	99.1%		25	
				B	24 / 46	98.8%			
				D	23 / 46	99.8%			
31b	Determinant Sentence	Does the total maximum sentence include a determinate sentence?	2006	A	23 / 44	99.1%		25	
				B	24 / 46	98.8%			
				D	23 / 46	99.8%			
31c	Mandatory Minimum Sentence	Does the total maximum sentence	2006	A	14 / 44	99.3%			Due to the small number
				B	15 / 46	98.7%			



Variable Number	Variable Name	Description	Year added to NCRP data collection	NCRP record type that includes variable	# states reporting variable in 2016	% of 2016 submitted records with nonmissing value for variable (based on states that submitted records)	Use by BJS	Use by external researchers (numbers correspond to citations at the end of this appendix)	Notes
		include a mandatory minimum sentence?		D	14 / 46	99.8%			of states reporting, BJS intends to study this variable over the next 3 years
31d	Truth in Sentencing Law Restriction	Is the total maximum sentence restricted by a Truth in Sentencing Law mandating that a certain percentage of the court- imposed sentence be served in prison?	2009	A	16 / 44	96.0%			Only 30 states have Truth in Sentencing laws; Due to the small number of states reporting, BJS intends to study this variable over the next 3 years
				B	17 / 46	97.6%			
				D	16 / 46	98.3%			
32	Length of Court-Imposed Sentence to Community Supervision	The amount of time which the court states that the offender is required to serve under community supervision after release from prison	1983	A	13 / 44	67.9%			Due to the small number of states reporting, BJS intends to study this variable over the next 3 years, especially regarding states that implement split sentencing.
				B	12 / 46	74.6%			
				D	12 / 46	72.7%			
33			1983	A	26 / 44	57.7%			

Variable Number	Variable Name	Description	Year added to NCRP data collection	NCRP record type that includes variable	# states reporting variable in 2016	% of 2016 submitted records with nonmissing value for variable (based on states that submitted records)	Use by BJS	Use by external researchers (numbers correspond to citations at the end of this appendix)	Notes
	Parole Hearing/Eligibility Date	The date the offender is eligible for review by an administrative agency such as a parole board, to determine whether he or she will be released from prison		D	29 / 46	60.0%	BJS has plans to evaluate this variable in the next year to determine the quality and potential use in prediction of parole populations; BJS also wants to evaluate whether parole eligibility date can be used as a proxy for minimum sentence length.		The day field (DD) of this data element is set to 15 for every person in the archived NCRP RUF to further protect privacy
34	Projected Release Date	The projected date on which the offender will be released from prison	1983	A D	32 / 44 33 / 46	75.2% 86.2%	BJS wants to evaluate whether projected release date can be used as a proxy for minimum sentence length.		The day field (DD) of this data element is set to 15 for every person in the archived NCRP RUF to further protect privacy
35			1983	A	24 / 44	67.3%			

Variable Number	Variable Name	Description	Year added to NCRP data collection	NCRP record type that includes variable	# states reporting variable in 2016	% of 2016 submitted records with nonmissing value for variable (based on states that submitted records)	Use by BJS	Use by external researchers (numbers correspond to citations at the end of this appendix)	Notes
	Mandatory Release Date	The date the offender by law must be conditionally released from prison		D	29 / 46	63.7%	BJS plans to match this with self-reported mandatory release date in SPI to see congruence of self-report and administrative records.		The day field (DD) of this data element is set to 15 for every person in the archived NCRP RUF to further protect privacy
36	First Name	The offender's first name	2009	A	42 / 44	100.0%	Used to construct NCRP Term Records; Used to PIK data behind the CARRA firewall; identify recidivists in longitudinal NCRP datasets; Used for linkage to FBI RAP sheets for BJS recidivism research	N/A: Item is PII and not available on archived public-use file (PUF) or restricted-use file (RUF)	Data element requested starting in 1983, but BJS did not retain this field until 2009
			B	42 / 46	99.6%				
			D	44 / 46	100.0%				
			E	29 / 31	99.9%				
			F	28 / 30	99.9%				
37	Last Name	The offender's last name	2009	A	42 / 44	100.0%	Used to construct NCRP Term Records; Used to PIK data	N/A: Item is PII and not available on archived public-use file (PUF) or	Data element requested starting in 1983, but BJS
			B	42 / 46	99.6%				
			D	44 / 46	100.0%				
			E	29 / 31	99.9%				

Variable Number	Variable Name	Description	Year added to NCRP data collection	NCRP record type that includes variable	# states reporting variable in 2016	% of 2016 submitted records with nonmissing value for variable (based on states that submitted records)	Use by BJS	Use by external researchers (numbers correspond to citations at the end of this appendix)	Notes
				F	28 / 30	99.9%	behind the CARRA firewall; identify recidivists in longitudinal NCRP datasets; Used for linkage to FBI RAP sheets for BJS recidivism research	restricted-use file (RUF)	did not retain this field until 2009
38	Facility Name	Name of the facility holding the offender at year-end	2009	D	44 / 46	95.3%	Used in developing and verifying frame for BJS' Census of State and Federal Adult Correctional Facilities	N/A: Item is PII and not available on archived public-use file (PUF) or restricted-use file (RUF)	
39	FBI Number	The unique identification number given by the Federal Bureau of Investigation/ Interstate Identification Index to each offender	2012	A	37 / 44	91.0%	Used to construct NCRP Term Records; Used for linkage to FBI RAP sheets for BJS recidivism research	N/A: Item is PII and not available on archived public-use file (PUF) or restricted-use file (RUF)	
				B	38 / 46	93.2%			
				D	37 / 46	93.5%			
				E	26 / 31	94.9%			
				F	25 / 30	94.0%			

Variable Number	Variable Name	Description	Year added to NCRP data collection	NCRP record type that includes variable	# states reporting variable in 2016	% of 2016 submitted records with nonmissing value for variable (based on states that submitted records)	Use by BJS	Use by external researchers (numbers correspond to citations at the end of this appendix)	Notes
40	Prior Military Service	Did the offender ever served in the U.S. Armed Forces?	2012	A	33 / 44	64.0%	BJS will compare this data element in matched records with the 2016 Survey of Prison Inmates (SPI) to assess data quality	23	Some states report this variable as either "Yes" or missing; others report as either "Yes" or "No"
				B	35 / 46	64.0%			
				D	35 / 46	68.0%			
				E	24 / 31	59.3%			
				F	24 / 30	61.9%			
41	Date of Last Military Discharge	The date the offender was discharged from the U.S. Armed Forces for the final time	2012	A	14 / 44	2.5%	BJS will compare this data element in matched records with the 2016 Survey of Prison Inmates (SPI) to assess data quality	23	Percent missing includes valid skips (offenders who did not serve in the military); The day field (DD) of this data element is set to 15 for every person in the archived NCRP RUF to further protect privacy
				B	14 / 46	3.1%			
				D	22 / 46	5.8%			
				E	11 / 31	3.5%			
				F	10 / 30	3.3%			
42	Type of Last Military Discharge	The type of discharge the inmate received from the U.S. Armed Forces	2012	A	26 / 44	3.2%	BJS will compare this data element in matched records with the 2016 Survey of Prison Inmates (SPI) to assess data quality	23	Percent missing includes valid skips (offenders who did not serve in the military)
				B	27 / 46	3.6%			
				D	27 / 46	4.6%			
				E	23 / 31	3.4%			
				F	22 / 30	3.5%			

Variable Number	Variable Name	Description	Year added to NCRP data collection	NCRP record type that includes variable	# states reporting variable in 2016	% of 2016 submitted records with nonmissing value for variable (based on states that submitted records)	Use by BJS	Use by external researchers (numbers correspond to citations at the end of this appendix)	Notes
43	Date of Admission to Post-Confinement Community Supervision	The date an offender entered into post-confinement community supervision	2012	E	31 / 31	100.0%	Used to construct NCRP Term Records	19	The day field (DD) of this data element is set to 15 for every person in the archived NCRP RUF to further protect privacy
				F	28 / 30	99.5%			
44	Type of Admission to Post-Confinement Community Supervision	The reason an offender entered into post-confinement community supervision on the date provided in the current record	2012	E	28 / 31	98.6%	Used to construct NCRP Term Records	19	
				F	25 / 30	91.9%			
45	County Where Offender was Released / County Where PCCS Office is Located	The county where the offender was released from post-confinement community supervision. If not available, report the county where the PCCS office to which the offender reported before exit is located.	2012	F	21 / 30	97.7%	BJS intends to examine using linked CARRA records (postal address and decennial census records) to determine whether released offenders remain in the same county of release	19	

Variable Number	Variable Name	Description	Year added to NCRP data collection	NCRP record type that includes variable	# states reporting variable in 2016	% of 2016 submitted records with nonmissing value for variable (based on states that submitted records)	Use by BJS	Use by external researchers (numbers correspond to citations at the end of this appendix)	Notes
46	SSN	The offender's Social Security Number	2015	A	34 / 44	87.6%	Used to PIK data behind the CARRA firewall; identify recidivists in longitudinal NCRP datasets	N/A: Item is PII and not available on archived public-use file (PUF) or restricted-use file (RUF)	Statistics do not include states that only report the last 4 of the SSN. In 2016, there were 7 states that reported last 4 SSN to NCRP.
				B	35 / 46	87.0%			
				D	34 / 46	89.0%			
				E	25 / 31	87.2%			
				F	23 / 30	88.4%			
47	Last Known Address	The offender's last known address prior to incarceration	2015	A	23 / 44	87.4%	BJS intends to use this variable to look at distance between residence and place of imprisonment, compare with change of address data in CARRA to look at long-term mobility of formerly imprisoned persons	N/A: Item is PII and not available on archived public-use file (PUF) or restricted-use file (RUF)	
				E	12 / 31	87.2%			

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48	Custody Level	The custody level to which the offender is assigned at year-end	2015	D	33 / 46	94.1%	BJS intends to use this variable to report on the national distribution of prison security level more frequently than has been the case using the periodic Census of State and Federal Adult Correctional Facilities		

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**Appendix K**

**Letter from Congresspersons Gowdy and Moulton**



# Congress of the United States

House of Representatives

Washington, DC 20515

April 24, 2018

2018 APR 25 AM 11: 02  
OS EXECUTIVE SECRETARIAT

Mr. Alan Hanson  
Principal Deputy Assistant Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-0001

Ron S. Jarmin, Ph.D.  
Acting Director  
U.S. Census Bureau  
4600 Silver Hill Road  
Washington, D.C. 20233

Dear Mr. Hanson and Dr. Jarmin:

Over the past several decades, our country has seen a dramatic rise in criminal sentencing and incarceration rates. According to a study released last year, an estimated three percent of the total U.S. adult population has spent time in prison and an estimated eight percent of all adults have a felony conviction.<sup>1</sup> The rising incarceration rate means large numbers of people are released each year from incarceration: between 1990 and 2014, an average of 594,600 inmates were released annually from state and federal prisons.<sup>2</sup> According to the Bureau of Justice Statistics (BJS), at the end of 2015, 4.65 million adults were under some form of community supervision, which is approximately 1 in 53 adults.<sup>3</sup>

As the incarceration rate for adult men in our country has continued to rise, so too has the unemployment rate for this population. In a recent report from the American Enterprise Institute, "between 1965 and 2015, the number of prime-age men neither working nor looking for work grew more than three times faster than the number in the workforce."<sup>4</sup> Unfortunately, we lack the information to better understand the correlation between the rising number of Americans that encounter our criminal justice system and their economic outcomes.

<sup>1</sup> Sarah K. S. Shannon et. al., *The Growth, Scope, and Spatial Distribution of People with Felony Records in the United States, 1948–2010*, *Demography* (2017) volume 54 p. 1795-1818.

<sup>2</sup> Nathan James, *Offender Reentry: Correctional Statistics, Reintegration into the Community, and Recidivism*, Congressional Research Service at 2 (Mar. 2016); citing U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Corrections Statistical Analysis Tool—Prisoners, Number of sentenced prisoners released from state or federal prisons, 1978-2014*, <http://www.bjs.gov/index.cfm?ty=nps>

<sup>3</sup> Danielle Kaebler and Thomas P. Bonczar, Bureau of Labor Statistics, *Bulletin: Probation and Parole in the United States, 2015* (Revised Feb. 2, 2017) available at <https://www.bjs.gov/content/pub/pdf/ppus15.pdf>.

<sup>4</sup> Nicholas Eberstadt, *Where did all the men go?*, AMERICAN ENTERPRISE INSTITUTE (May 8, 2017) available at <http://www.aei.org/publication/where-did-all-the-men-go/>.

Mr. Alan Hanson  
Ron S. Jarmin, Ph.D.  
April 24, 2018  
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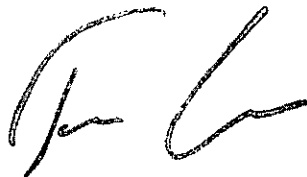
We understand work is underway between the Department of Justice (DOJ) and the Census Bureau to better understand that correlation.<sup>5</sup> We request you provide the Memorandum of Understanding (MOU) signed by BJS and Census for this project.

BJS already provides important information on the current prison population and adults under community supervision. It is our hope the work being undertaken now can enhance and expand BJS and Census's existing data and reports. As you move forward with the project, we ask that you include details related to age, gender, ethnicity, educational attainment, felony conviction, and time on parole, probation or supervised release, and employment in any final report or findings.

We understand data collection for 2017 is still ongoing; however, data is already available for 2015 and 2016. We ask DOJ and the Census Bureau to move quickly to release your findings in 2018 using data collected in 2015 and 2016. This study is important to help us better understand with more specificity the extent to which our criminal justice system is affecting certain populations in the United States.

Provide the requested information as soon as possible, but no later than 5:00 p.m. on May 8, 2018. An attachment to this letter provides additional instructions for responding to the Committee's request.

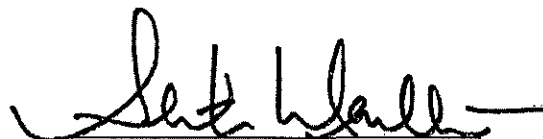
Please contact Ellen Johnson at (202) 225-5074 and Eric Kanter at (202) 225-8020 with any questions about this request. Thank you for your attention to this matter.



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Trey Gowdy  
Chairman, Committee on Oversight  
and Government Reform

Sincerely,



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Seth Moulton  
Member of Congress

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Member  
Committee on Oversight and Government Reform

The Honorable Wilbur L. Ross, Jr., Secretary of Commerce

The Honorable Jeff Sessions, Attorney General

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<sup>5</sup> Briefing by the Dept. of Justice and Bureau of Justice Statistics to H. Comm. on Oversight & Gov't Reform majority staff and Representative Seth Moulton staff (March 22, 2018).

## **Appendix L**

**Examples of follow-up emails to 5 states seeking clarification on NCRP data submitted in 2018 (2017 data year)**

**Email to Kentucky respondents, 3/29/2018:**

Hello,

Thanks so much for uploading the 2016 and 2017 data. We processed the data (see the attached spreadsheet for summary stats on each variable). Overall, it seems like the data are much more accurate – in particular the number of A and B records seem consistent with the changes in your stock population – that was the major problem before. We have a few questions. It might be easiest to talk thru these over the phone.

1. We think that there might be too many records in the Part D (stock) file – for example in the 2016 stock file, there are 2,375 offenders who have a release -> stock sequence, without an admission between them. Presumably these offenders shouldn't be in the Part D file. We uploaded to the transfer site an Excel file with a few examples (2016 D Record Examples \KY Extra D records example.xlsx).

2. There are quite a few codes we don't know the meaning of. Could you please upload a data dictionary.

3. We see the Prison Release Type "99" appearing in 30% of the 2016 B records, 10% of the 2016 E records, and 24% of the 2016 F records. We hadn't seen type 99 previously. Just wondering what that means, and whether it's an indication of a problem.

4. Two different sets of codes are used for the Prison Release Type -- one in the B records and one in the E and F records. Is this intentional?

5. About a third of the prison releases occur on the first day of the month. There might be a good reason for this, but we just wanted to confirm that.

6. The distribution of Agency1 changed between the original 2016 submission and the current one : code 1 (None/Director Release) used to be 0% and now is 25-30%). Same with supervision status – "Active" used to be ~25% and now it's ~50%. Did the coding change?

7. We're seeing a lot more F records than E records (3,400 more in 2016 and 1,800 more in 2017). With the previous data deliveries, it was reversed: there were substantially more E records than F records. If the number of offenders serving PCCS is stable, then the number of E and F records should be close. One thing we observed in the 2016 data is there are around 2,000 E -> F -> F sequences, so perhaps the F records are being over-reported. We uploaded some examples of this to the transfer site – see the file Consecutive F Records\Kentucky Consecutive Fs Examples.xlsx.

Glad to discuss this on the phone.

Thanks,



**Email to South Dakota respondents, 4/30/2018:**

Hello,

Once again, thanks for providing the NCRP data. We have a few questions.

We noticed a couple changes in the 2017 data compared to earlier years that we wanted to ask you about. We uploaded to the transfer site an Excel doc with cases that illustrate the issues. It might be easier to talk with you about these cases. Perhaps we could arrange a phone call?

1. This year 427 prison release records had an admission type "CTP PAROLE". Last year there were 23. What does this code mean? Did a new parole system start up in 2017?
2. In cases when the prison release record has an admission type "CTP PAROLE", there are gaps in the time sequencing. The first example in the sheet "Different Admission Dates" on the Excel doc has a Prison Admission on Jan 26, 2016. This offender was then released on Dec 18, 2017, but the admission date on the release record is Dec 4, 2017. What happened to the offender on Dec 4, 2017? Is there an earlier prison release that's missing in the data?
3. The other new situation we see in the 2017 data is a term of PCCS (parole) starting while the offender is still in prison. The type of admission to PCCS on 95%+ of these records is "EC", which we understand means "extension of confinement." In the first example in the sheet "Nested PCCS Stays" in the Excel doc, the offender was admitted to prison on March 26, 2015, admitted to parole on Nov 17, 2016, but then released from prison on Feb 2, 2017 (4 months after being placed on parole). What happened to the offender on Nov 17, 2016 and Feb 2, 2017? Was an earlier prison release (on Nov 17, 2016) missing in the NCRP data?
4. The sentence length is missing in the NCRP records. Would it be possible to provide this to us? It's a really important variable for many of the analyses that us (and others) need for analyzing NCRP data.

Thanks

**Email to Georgia Parole, 1/31/2018:**

Hello,

Thank you again for submitting 2015 F and 2016 EF. We've processed the data (see the attached Excel doc with summary statistics on each variable), and had a few questions for you:

1. First a comment – we removed the ICE detainees from the E and F records, because they were never really under your supervision. But you can continue to include them – we are now set up to delete them. After deleting these, we see 14,257 E records and 9,968 F records in 2016.

2. Related to the above comment, there were roughly 4,000 more E records than F records in 2016. That should mean that you had about 4,000 more persons being supervised at the end of 2016 than at the beginning. Does that sound right?

3. I see that you have included supervised offenders who are on probation in the E and F records for 2016. That's fine, but we don't have probationers in previous years' data. We can live with that, but if it's possible to provide those E and F records for previous years that would be great – then we would have consistent data sets going back. I understand this involves a lot of work; fine to say "no" to this.

4. Please include the corrections\_id\_num in a re-submission of the 2015 F and 2016 E and F (and include henceforth in 2017, etc.).

Thanks again. Please let me know if you have any questions.

**Email to Kansas, 5/22/2018:**

Hi,

Thanks yet again for all your help getting us NCRP data, the NPS survey, and answering our questions about citizenship.

We processed the NCRP data you sent, and have a few questions. Attached are the frequencies from the files you sent, FYI.

1. For the Prior Military Service variable, what does the code "AG" mean?
2. Do you have a file that has the meaning of the values in the PCCS County Release variable? They don't seem to follow the typical format of "20XXX" for Kansas counties.
3. What does the education value "Special ed class" typically mean? Could they be classified as high school graduates?
4. What does "parole to detainer" mean in the Part E and F records? Does this mean they are on parole, and returned to prison on a detainer?
5. In the Part E file (PCCS entries) we never see the same person in the file more than once. Just wanted to confirm that you're not limiting the E record to one record per offender. This is also the case with the F records.

Thanks,

**Email to Delaware, 5/14/2018:**

Hello,

Thanks again for submitting the 2017 NCRP files. We've processed the files (attached are summary statistics for each variable), and have a couple questions for you.

1. I see that there's a variable called SBI # and another variable called Inmate's State ID Number. I assume the SBI # is a person-specific identifier provided by the SBI that is based on the offender's fingerprints. Is the "Inmate's State ID Number" an internal DOC number that is not necessarily unique to a person?

2. Could you help us decipher the following offense codes:

- ATT UNLW USE>
- BR OF RELEASE
- DEL NN – CONSP
- SOLIC BUS/EMPTY

3. What's the name of facility 38?

4. What does the admission type "A500" mean in terms of offender movements through the DOC system? We see a few instances when there are two consecutive admissions for offenders, and the admission type is usually "A500".

Thanks!

**Email to West Virginia, 5/14/2018:**

Hello,

Thanks for providing the NCRP data. I understand [NAME OF OLD RESPONDENT] is out, and she said you are new to this project, so if you have any questions please let me know.

We have a few questions about the data; attached are the frequencies we ran from your files, for reference.

1. It appears that there are over 1,000 records that could be missing from the Part D (custody) file. Comparing the 2016 and 2017 numbers, we see about 1,300 fewer inmates in custody this past year. If the DOC population dropped that much, we should see about 1,300 more releases (Part B) than admissions (Part A records) during 2017. In the 2017 files you sent, there were 5,607 D records compared to 6,975 D records in the 2016 file. But the number of admissions and releases in 2017 was about the same, so we would expect the population count to be similar to the prior year. We suspect that you might have tweaked the rules for including and excluding cases, but we'll leave it up to you to assess what the difference might be. Happy to discuss if you would like.

2. We are trying to understand an inconsistency in the admission dates in the A and B records, and are hoping you can help us. We have placed an Excel file in the NCRP transfer site an file that has a handful of cases that illustrate the inconsistency. For example, in this file, Example #1, there is an admission record with an admission date of Jan 6, 2016. There is also a release record for this offender with a release date of May 2, 2017, but the admission date on the release record is March 18, 2016. Our question is: what happened on Jan 6, 2016 and what happened on March 18, 2016? Was there a release between those two admissions, for example? You can access that file using the same username and password you used to upload the NCRP files.

Thanks