

## SUPPORTING STATEMENT A

The Bureau of Justice Statistics (BJS) seeks approval to continue its Annual Surveys of Probation and Parole (ASPP) for the 2020-2022 data collection period. The current collection approved by the Office of Management and Budget (OMB) is due to expire October 31, 2020. The ASPP provides the only national-level, regularly collected data on the community corrections populations, and, as such, these surveys provide critical data on this key stage of the criminal justice process. Since 1977, these establishment surveys have provided BJS with the capacity to report annually on changes in the size and composition of the community corrections populations in the United States. Data are collected from the known universe of probation and parole supervising agencies, using central reporters wherever possible to minimize burden on the public. Specifically for 2020-2022, BJS seeks approval to continue both the routine annual collection and work on expanding the known universe of probation supervising agencies. Based on the past few years frame development research, in RY2020, BJS will add all the newly identified agencies to confirm their status as supervising agencies and produce an up-to-date frame for use in RY2021 and RY2022. In addition, the RY 2020 collection will include a short supplement to examine the core estimates of probation and parole population counts after a few months of the coronavirus (COVID19) impacts to the criminal justice system and questions about policy and practice changes resulting from the coronavirus.

### A. Justification

#### 1. Necessity of Information Collection

Under Title 34 U.S.C. § 10131 (see Attachment 1), BJS is directed to collect and analyze statistical information concerning the operation of the criminal justice system at the federal, state and local levels. Community corrections, including probation and parole, are a large part of the justice system with 1 in 58 adults in the United States, almost 4.4 million people, under supervision in 2018.<sup>1</sup> In addition to annual yearend counts and yearly movements on and off supervision, data collected from the ASPP describe characteristics of the community supervision population, including sex, race/Hispanic origin, most serious offense, and supervision status. Data collected also describe the outcomes of supervision, including the rate at which probationers and parolees completed their supervision and their recidivism rates (i.e., rates of incarceration in prison or jail either for a new offense or because of violation of the conditions of their supervision.)

The size of the population under community supervision and the volume of movements onto and off of community supervision indicate the importance of the ASPP for understanding the U.S. correctional systems. Of the 6.4 million men and women under correctional supervision at yearend 2018 (includes persons in prison or jail, or on probation or parole), more than two-thirds (69 percent) or nearly 4.4 million offenders were supervised in the community probation (3,540,000) or parole (878,000). During 2018, an estimated 3.8 million adults moved onto or off probation, and over 900,000 adults moved onto or off parole. Driven by a larger number of probation exits (1.91 million) over entries (1.85 million), the community supervision population

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<sup>1</sup> Kaeble, D. and Cowhig, M. (2018) *Correctional Populations in the United States, 2016*, Bureau of Justice Statistics, Washington, DC, <https://www.bjs.gov/content/pub/pdf/cpus16.pdf> (See Attachment 3.)

declined 2.4 percent during 2018, from an estimated 4,508,900 to an estimated 4,399,000. During 2018, the estimated number of parole exits (453,900)<sup>2</sup> exceeded the estimate of parole entries (447,200). This marked the first time that parole exits exceeded entries since 2009.

The data gathered in the ASPP are not available from any other single data source, and these collections fit within a larger BJS portfolio of establishment surveys that, together, cover the entire correctional populations in the United States (see Attachment 2). BJS's National Prisoner Statistics (NPS) (OMB Control Number 1121-0102) series provides annual data on prison populations, while the Annual Survey of Jails (ASJ) (OMB Control Number 1121-0094) provides national data on the local jail population. The ASPP provides the community corrections data, thus completing BJS's coverage of correctional populations. These combined surveys are the source for the statistic that 1 in 40 adults in the United States were under some form of correctional supervision at yearend 2018.

## 2. Needs and Uses

### *Assessment of Needs and Uses*

BJS actively engages the community corrections field to learn more about emerging topics and substantive issues and where data gaps exist, to seek opinions about community corrections issues from stakeholders, and to make the ASPP collections responsive to stakeholder needs. Feedback obtained from members of the field has been used to address measurement challenges, to make the presentation of data in reports more useful, and to make the data more accessible. BJS's participation in these discussions has also allowed it to develop relationships with key officials in the field of community corrections that can assist data collection efforts.

To further assess the need for the data gathered from the ASPP collections, BJS has also solicited feedback from researchers, practitioners, and policy makers about how they use the data during semi-annual association conferences, and meetings of key stakeholders convened by other federal agencies. At the biannual American Probation and Parole Association (APPA) conferences, BJS regularly convenes a small workgroup of community corrections data providers, practitioners, and researchers to discuss new issues in the probation and parole fields. BJS has also participated in meetings of the APPA's Research Committee.

### *Data Users: Needs and Uses Identified*

Through these interactions, stakeholders have repeatedly reinforced the point that the ASPP provides the community corrections field with important data on community corrections relative to institutional corrections (prisons and jails).

Policy makers, researchers, and practitioners who regularly use the ASPP data include—

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<sup>2</sup> Alper, M. and Kaeble D. (2020) Probation and Parole in the United States, 2017-2018, Bureau of Justice Statistics, Washington, DC, <http://www.bjs.gov/content/pub/pdf/ppus1718.pdf> (See Attachment 4.)

**National Institute of Corrections (NIC)** – NIC uses ASPP data to shape and promote correctional practices and public policy; establish standards; evaluate current conditions of the prison, jail, and community corrections populations; and respond to the needs of corrections by providing assistance and educational opportunities to correctional staff and administrators. The library, through NIC’s website, provides data and resources using the BJS national and state-level data from ASPP. Links to the webtools and ASPP publications are available through its website (<https://nicic.gov/library/package/probation>).

NIC also provides a graphic of the United States with point-and-click availability to see the correctional populations for each state. All correctional population data in this tool comes from BJS, and all probation and parole data they use are from the ASPP.<sup>3</sup>

**State governments** – state community corrections agencies use ASPP to assess conditions within their own jurisdictions relative to others and to the nation overall. For example, in April 2017, a research specialist in the criminal sentencing commission of the Supreme Court of Ohio reached out to BJS for information about correctional data in Ohio and comparisons to averages in other states.

Some state-level officials rely on the historical ASPP data to track changes over time and anticipate trends in their state’s community corrections populations. The BJS data fill a gap in their information systems, as some states information systems do not retain historical population data. Therefore, tracking trends in their state’s community corrections populations is only possible through the annual ASPP data collected and reported on by BJS.

**Academia and Independent Researchers** – Published uses of ASPP include the following recent examples—

*The Encyclopedia of Criminology and Criminal Justice* (ISBN 978-1-4614-5689-6) has a chapter called “History of Probation and Parole in the United States” that references the *Probation and Parole in the United States* series of reports that BJS publishes.

Banks, Cyndi. (2019). *Criminal Justice Ethics: Theory and Practice* (5<sup>th</sup> edition). Los Angeles: SAGE.

Hanser, Robert. D. (2020). *A Brief Introduction to Corrections*, SAGE.

Holoyda, B., & Landess, J. (2019). Caring for patients on probation or parole: Promoting stability in the community can reduce recidivism and re-incarceration. *Current Psychiatry*, 18(6), 27+.

Knapp, C. (2020). Local planning in the age of mass decarceration. *Journal of Planning Education and Research*, 1-17. <https://doi.org/10.1177/0739456X209117>

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<sup>3</sup> See: <https://nicic.gov/statestats/default.aspx>

- Kopak, A.M., Guston, K., Maness, L. *et al.* (2019). A prospective study of behavioral health indicators and repeat jail admissions among rural inmates. *Health Justice* 7, 5. <https://doi.org/10.1186/s40352-019-0087-8>
- McCafferty, J. T. & Laurence, T. F. III. (2014). *History of Probation and Parole in the United States*. New York: Springer Science+Business Media.
- Phelps, M. S. (2017). "Mass Probation: Toward a More Robust Theory of State Variation in Punishment."<sup>4</sup> *Punishment & Society* 19(1): 53–73.
- Phelps, M. S. (2020). Mass Probation from Micro to Macro: Tracing the Expansion and Consequences of Community Supervision. *Annual Review of Criminology*, 3, 261–279. <https://doi.org/10.1146/annurev-criminol-011419-041352>
- Reitz, K. R. and Rhine, E. (2020). Parole Release and Supervision: Critical Drivers of American Prison Policy. *Annual Review of Criminology*, 3, 281-298. Available at SSRN: <https://ssrn.com/abstract=3519758>
- Smith, S. W., Morash, M., Walling, B., Adams, E. A., & Holmstrom, A. J. (2019). Precursors to probation and parole agent intent to send informational, emotional, and esteem social support messages to female clients. *Journal of Applied Communication Research*, 47:3, 344-363, DOI: [10.1080/00909882.2019.1615632](https://doi.org/10.1080/00909882.2019.1615632)
- Smith, S.A., Mays, G.P., Collins, T.C. *et al.* (2019). The role of the community health delivery system in the health and well-being of justice-involved women: a narrative review. *Health Justice* 7, 12. <https://doi.org/10.1186/s40352-019-0092-y>
- Turney, K., & Wakefield, S. (2019). Criminal Justice Contact and Inequality. *RSF: The Russell Sage Foundation Journal of the Social Sciences*, 5(1), 1–23. doi: 10.7758/rsf.2019.5.1.01
- Wildeman, C., Goldman, A. W., & Wang, E. A. (2019). Age-standardized mortality of persons on probation, in jail, or in state prison and the general population, 2001-2012. *Public Health Reports*, 134, 660-666. DOI: 10.1177/0033354919879732

**American Probation and Parole Association (APPA)** – APPA uses ASPP to encourage public awareness of probation and parole, to pursue certification of probation and parole programs on a national basis and develop standards for probation and parole programs, to sponsor training opportunities for all levels of practitioners, and to give others the opportunity to keep current with practices, professional skills, issues, and innovations. APPA also uses the data to provide a public information system, and to conduct research and develop activities in support of the field of community corrections. APPA’s quarterly newsletter, *Community Corrections Headlines*<sup>5</sup>, announces the release of the annual BJS report on community corrections to the field and provides a link to the report on the BJS website. APPA publishes a professional journal,

<sup>4</sup> See: <http://journals.sagepub.com/doi/abs/10.1177/1462474516649174>

<sup>5</sup> See: [http://www.appa-net.org/eweb/DynamicPage.aspx?WebCode=VC\\_PubsReports](http://www.appa-net.org/eweb/DynamicPage.aspx?WebCode=VC_PubsReports)

*Perspectives*, which has cited BJS probation and parole data, in particular the size of the populations and the growth in the populations over time.

**National Criminal Justice Reference Service (NCJRS)** – NCJRS uses ASPP to support research, policy and program development in the criminal justice field, and, in particular, community corrections, by hosting a link to the BJS community corrections web page on its “Corrections” page for “Parole and Probation.” (<http://www.ncjrs.gov/App/Topics/Topic.aspx?topicid=17>), and by including links to numerous BJS community corrections publications on their Community Corrections Resources page (<https://www.ncjrs.gov/communitycorrections/statistics.html>).

**The PEW Foundation** – The PEW Foundation’s report “Probation and Parole Systems Marked by High Stakes, Missed Opportunities” (2018) uses ASPP data for community corrections trends by demographics. The report “U.S. Adult Incarceration Rate Declines 13% in 8 Years” (2017) uses BJS data on the total correctional population which combines ASPP data with prison and jail inmate counts to provide information on the entire correctional population.<sup>6</sup> Pew’s Public Safety Performance Project cited many BJS findings and added them to their publications. Included in these are state specific analysis of community corrections programs like the 2017 article “Doing Less Time: Some States Cut Back on Probation.”<sup>7</sup>

**Other Non-Profit Organizations** – ASPP data on community corrections are often cited. Examples are:

**The Robina Institute** of Criminal Law and Criminal Justice has an entire series of parole release revocations across the 50 states, which use data from the Annual Surveys of Probation and Parole.<sup>8</sup>

**The Vera Institute of Justice** ([www.vera.org](http://www.vera.org)) often cites BJS statistics on community corrections taken from the ASPP collection.

**The Sentencing Project** releases a publication each year using data from BJS and ASPP titled “The State of Sentencing YYYY: Developments in Policy and Practice”<sup>9</sup> where they look at state-specific and overall national changes in sentencing practices.

**The Public** – Corrections Unit’s staff at BJS receive regular inquiries from ASKBJS, BJS’s online information request mechanism. The ASPP data are used to answer questions about trends in growth in the probation and parole populations, factors related to changes in the populations, outcomes of offenders supervised in the community and trends in the outcomes, the volume of

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<sup>6</sup> See: <http://www.pewtrusts.org/en/research-and-analysis/analysis/2016/01/25/share-of-us-adults-under-correctional-control-down-13-percent-since-2007>

<sup>7</sup> See: <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2017/04/26/doing-less-time-some-states-cut-back-on-probation>

<sup>8</sup> See: <http://robinainstitute.umn.edu/publications/numbers-parole-release-revocation-across-50-states/>

<sup>9</sup> Porter, Nicole D. (2016) “*The State of Sentencing 2015: Developments in Policy and Practice*”. (<http://www.sentencingproject.org/publications/the-state-of-sentencing-2015-developments-in-policy-and-practice/>)

offenders entering and exiting community supervision, the types of offenses for which people are supervised on probation or parole, and offender characteristics such as the sex and racial compositions of the community corrections populations.

***Need for ongoing probation survey frame updates:***

Given the widespread uses and needs of the ASPP data, BJS recognizes the need to ensure the data are accurate and valid estimates of parole and probation across states and for the nation. In recent years, BJS has investigated the quality of the Annual Probation Survey frame to better understand how well estimates produced from the survey fully capture the national and state probationer populations. Maintaining a frame for the probation survey is more challenging than for the parole survey because the organizational structures of probation supervision varies widely across the United States. Information about the parole population is centralized, and so BJS collects information from 52 parole data providers: 50 state reporters, a DC reporter, and a federal reporter. In contrast, probation supervision is centralized in some states, whereas in other states probation is administered by several independent agencies at the county, district, municipal, or other local level. There can also be variation within a state, with supervision being administered by a centralized state authority (e.g., Department of Corrections) and by one or more local authorities. In 2019, the Annual Probation Frame included 523 reporters.

Between 2012 and 2019, BJS engaged in a series of steps to identify gaps in the probation frame. Starting in 2012, BJS began developing a roster of all federal, state, and local adult probation agencies supervising at least one felon. In 2014, BJS administered a census of this roster, the Census of Adult Probation Supervising Agencies (CAPSA; OMB Control Number 1121-0347). Then in RY 2015 and RY 2016, BJS provided reporting entities with a list of the agencies from CAPSA and built questions into the Annual Probation Survey asking reporters to identify the different agencies covered in the statistics they reported to BJS. Through this effort BJS discovered potential under-coverage of about 430 entities that supervised felons across 23 states. Post CAPSA, BJS also conducted outreach and search efforts that led to a list of 3,560 potentially eligible entities that were supervising misdemeanor probationers. In late 2017 through 2019, BJS then worked through a cooperative agreement with RTI to gain OMB clearance and define the full extent of the under-coverage by collecting information from all potentially eligible entities on a) whether they supervise probationers, and if so) the number of felon and misdemeanor probationers supervised.

This effort refined the list of reporters eligible for the probation survey, resulting in 86 entities supervising at least one felon and 268 entities supervising misdemeanants. In RY 2019 BJS added 66 entities to the frame that reported supervising at least one felon. In RY 2020, BJS will add all remaining agencies thought to be supervising probationers discovered over the course of the frame development research, including 20 entities that supervise felons and 268 entities that supervise misdemeanants. The RY 2020 collection will confirm the new agencies are supervising probationers and collect the core ASPP data from all eligible entities, resulting in comprehensive coverage of probationers across the United States.

### ***Need for supplemental questions on Coronavirus (COVID19):***

The current coronavirus (COVID19) pandemic has created unprecedented challenges for the community corrections field. Over the course of the RY19 data collection BJS learned that many agencies closed down for some period of time, and many supervising agencies modified their strategies for connecting with probationers and parolees to align with social distancing guidance. Anecdotal evidence suggests potential influences on the number of people under supervision; factors that lead to both higher and lower numbers. For example, some agencies have maximized the use of community supervision to minimize the number of people in jails and prisons (e.g., through early release from prison to parole, or a sentence to community supervision rather than jail). As such, during the coronavirus, there might be increased numbers of people on probation and parole compared to historical trends. On the other hand, social distancing policies and guidelines have also led to decreased enforcement of low-level offenses that might result in probation, and early release from community supervision. Through the routine annual ASPP collection, BJS is uniquely situated to collect information on the numbers of probationer and parolees during the period of coronavirus social distancing, and high-level information on the agencies' changes in practice and policy during this time.

### 3. Use of Information Technology

BJS uses a multi-mode design in which respondents are directed to a web survey through mailed and emailed instructions. The web survey is hosted by BJS's data collection agent.<sup>10</sup> Paper forms and electronic pdf versions will continue to be available as an alternative mode of submission for respondents who request them. Attachment 5 shows screen-shots from the 2019 study questionnaires and the page formats that web respondents will encounter as they complete the 2020 surveys.

Respondent use of the internet has grown steadily since the option was first offered in 2007. Among parole agencies, submission by web increased from 56% in 2007 to 94% in 2018. Among responding probation agencies, participation using web has increased from 19% in 2007 to 88% in 2018.<sup>11</sup>

BJS continues to work toward achieving 100 percent online data submission given the advantages of the web over the other modes, which include (1) reduced costs; (2) dynamic error checking capability and the ability to incorporate complex skip patterns reducing the potential for response errors; (3) the inclusion of pop-up instructions for selected questions; and (4) the use of drop-down boxes, which are not possible for paper questionnaires<sup>12,13,14</sup>.

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<sup>10</sup> BJS's cooperative agreement with RTI for the ASPP was the result of a competition (Annual Surveys of Probation and Parole, 2015-2018 Solicitation, BJS-2015-4155; see <http://www.bjs.gov/content/pub/pdf/aspp1518.pdf>).

<sup>11</sup> In 2007, there was 1 non-respondent each for probation and parole; in 2018, there were 36 non-respondents for probation.

<sup>12</sup> Dillman, D.A. (2000). *Mail and Internet surveys: the tailored design methods*. Second edition. New York: John Wiley & Sons, Inc.

<sup>13</sup> Cobanoglu, C., Warde, B., & Moreo, P.J. (2001). *A comparison of mail, fax, and Web-based survey methods*. *International Journal of Market Research*, 43(4), 441-452.

<sup>14</sup> Skitka, L. J., & Sargis, E. G. (2006). The Internet as psychological laboratory. *Annual Review of Psychology*, 57, 529-555.



In RY 2019, RTI developed a portion of the ASPP website as a dashboard for respondents, allowing them to visualize and download their agency's reported data from 2010-2018 and access other information (such as BJS reports). It was live and available to respondents in January 2019 upon login to complete the RY2018 ASPP. Attachment 6 shows screen-shots from the dashboard.

#### 4. Efforts to Identify Duplication

After reviewing other BJS surveys, federal data collections, and literature, BJS finds that the ASPP provides information that is not duplicated by other data collections. No other data collection yields national-level estimates of the total annual yearend counts and yearly movements on and off of probation and parole supervision, or describes the characteristics of the full community supervision population across the nation.

Other data collections focus on populations outside community corrections and, along with ASPP, provide a more complete picture of the entire correctional system. These collections include—

- The BJS National Prisoner Statistics Program (NPS; OMB control number 1121-0102) collects data on the number of probation and parole violators returned to prison as part of its measure of prison admission. ASPP expands on this information to measure the number of probationers and the number of parolees returned to prison or jail, including the reason for incarceration (i.e., for a new offense or a violation of the conditions of their supervision). The NPS also provides the number of prisoners released to conditional supervision, including either to probation or parole, while the ASPP provides the total number of offenders placed under community supervision, including those offenders sentenced directly from a court to community supervision not captured by NPS. The data collected from the NPS series and the ASPP collections can be used together to better understand recidivism and the types of offenders that are released to the community.
- The BJS Survey of Prison Inmates (SPI), formerly known as the Survey of Prisoners in State and Federal Correctional Facilities (OMB Control Number 1121-0152), and the BJS Survey of Inmates in Local Jails (SILJ) (OMB Control Number 1121-0098) collect data from large nationally-representative samples of prisoners and jail inmates, respectively, through personal interviews conducted during incarceration. The type of information gathered in personal interviews with prisoners and jail inmates, most of whom will exit their correctional facility onto community supervision, is not readily available from the administrative records that are the source of information for the ASPP. The inmate survey data complement the ASPP by gathering information about those who returned to incarceration following a period of time on probation and parole, as well as those close to release. The information gathered by SPI also helps to better understand the risk that inmates pose upon release into the community, and their need for community supervision.



- The BJS Annual Survey of Jails (ASJ; OMB control number 1121-0094) provides data on conviction status of local jail inmates including probation and parole violators, along with inmates who are held for a new offense. However, the number of probation and parole violators held in jail is not measured separately through ASJ. The ASPP provides data on counts of the total number of probationers, the total number of parolees incarcerated, and those being held in local jails.
- The National Survey of Drug Use and Health (NSDUH; OMB Control Number 0930-0110), sponsored by SAMHSA, is an annual household survey which conducts interviews with randomly selected individuals in the non-institutionalized population age 12 or older. The survey provides national and state level estimates of alcohol, tobacco, illicit drug, non-medical prescription drug use, and other health-related issues, including mental health. Various behavioral and physical characteristics are also collected to provide context to the estimates. NSDUH collects data on whether persons were on probation or parole in the 12 months prior to the interview, and can provide a weighted national-level estimate. In contrast, BJS's ASPP provides actual counts of the population under supervision on a single day based on administrative records. The ASPP collects data on detailed probation and parole population movements and outcomes. For example, the ASPP, but not NSDUH, collects data on revocation of supervision, return to prison or jail, and completion of community supervision. NSDUH also does not collect criminal justice characteristics including offense type, maximum sentence, and supervision status.
- The Census of Adult Probation Supervising Agencies (CAPSA; OMB Control Number 1121-0347), conducted in 2014, was used to develop a complete listing of adult felony probation supervising agencies in the United States and to provide national and jurisdiction-level statistics that describe adult probation and the variation across jurisdictions. CAPSA focused only on felony probation agencies in 2014, and is not an annual collection.

In contrast to CAPSA, the Annual Probation Survey collects information on the size and flow of offenders under community supervision, the characteristics of the population, and tracks key outcomes of offenders on probation annually. The Annual Probation Survey does not collect information about the other agency characteristics collected by CAPSA. The Annual Probation Survey is designed to collect aggregate counts and relies on central reporters (some of which are not supervising agencies). CAPSA enabled BJS to systematically assess the coverage of population for the Annual Probation Survey and enabled BJS to identify a number of agencies to add to the frame in the coming years.

- The BJS National Corrections Reporting Program (NCRP; OMB Control Number 1121-0065) collects offender-level administrative data annually on prison admissions and releases, yearend prison custody populations, and on parole entries and discharges in participating jurisdictions. The NCRP data do not provide a count of persons on parole at yearend and currently only obtain data from a subset of states (35 states in 2018).

- The BJS Federal Judicial Statistics Program (FJSP) collects data on all stages of the federal criminal justice system including individual-level data on federal offenders under supervision from the Office of Probation and Pretrial Services, Administrative Office of the United States Courts (AOUSC). With consent from AOUSC, federal probation and parole data collected by the FJSP are aggregated and provide the federal data for ASPP.
- The Association of Paroling Authorities International (APAI), a nonprofit organization formed to discuss best practices and current issues surrounding conditional release, reentry into the community and public safety, occasionally conducts surveys of member practices. These surveys are not designed to make estimates of the parole population.

ASPP represents a long-standing effort to provide national and state-level data on the probation and parole populations and is the only ongoing annual collection on the community corrections populations. It is the result of efforts to present comparable data across years and jurisdictions. These qualities allow data users, in particular individual states, to rely on the ASPP data as a source of trend and comparative data on the community corrections populations.

While other collections provide complementary data, the ASPP is the only federal survey that provides aggregate data on the probation and parole stock population, movements, outcomes and characteristics of the community corrections population at both the national and state levels.

## 5. Efforts to Minimize Burden

BJS has implemented several procedures to reduce burden.

- a) Survey forms (CJ-7, CJ-8, CJ-8a, and the RY2020 supplemental coronavirus questionnaire, Attachments 7 to 10) are sent to centralized statewide data reporters (e.g., a Department of Corrections that oversees all community corrections supervision throughout the state) whenever possible to minimize the number of respondents asked to participate. In most cases, the centralized data reporters are already collecting much of the requested from agencies in their state for their own data needs. All parole data in the country and probation data from 34 states report from a centralized respondent.
- b) Use of a critical items survey (CJ-8A, Attachment 9) for probation agencies that historically are not able to report to the full survey and for new agencies that will be added to the collection for the first time in RY2020 (CJ-8, Attachment 8). The CJ-8A minimize burden while nevertheless collecting basic information that respondents have available. This approach has shown to be the best approach to maximizing response and data quality from smaller agencies who may not have the capabilities to provide responses with the level of detail requested from the longer form.

In the 2018 survey, 160 out of 455 probation reporters (35 percent) completed the CJ-8A; however, these reporters accounted for only about 5.7 percent of the more than 3.6

million offenders on probation at yearend 2018. The average yearend probation population was 1,309 among agencies that completed the CJ-8A in 2018, while for those that completed the CJ-8 it was 11,654, or nearly 9 times larger. The majority of the agencies that receive the CJ-8A form supervise only misdemeanor probationers.

- c) BJS uses web-based data collection instruments to ease reporting and reduce the need for follow-up due to errors in reporting and incorrect skips caught by programmatic edit checks.

## 6. Consequences of Less Frequent Collection

The ASPP is an annual collection. Collection less frequently would result in a break in series and would reduce the ability to track changes in the community supervision populations on an annual basis. One of the main purposes of these surveys is to provide comparative data across states and years on community corrections. For example, the 2018 ASPP data showed a decline of about 107,300 in the population under community supervision, the lowest number of adults under community supervision since 1999. Year-to-year population changes over the last 10 years have varied 0.5% to 2.9%. Less frequent data collection would diminish the ability to determine which states had a significant impact on changes in the community corrections population over time and BJS's ability to provide accurate measures of the growth and change in these populations over time.

## 7. Special Circumstances Influencing Collection

There are no special circumstances in conducting this information collection.

## 8. Federal Register Publication and Outside Consultation

The research under this clearance is consistent with the guidelines in 5 CFR 1320.6. The 60-day notice for public commentary was published in the Federal Register, Volume 85, Number 107, page 34241 on June, 3, 2020, (see Attachment 11). The 30-day notice for public commentary was published in the Federal Register, Volume 85, Number 157, pages 49395, on August 13, 2020 (see Attachment 12). Following the publication of the 60-day notice, BJS received two requests for the instruments, and no substantive comments.

BJS consulted with states' departments of corrections staff, administrators from both state and local probation and parole agencies, local probation and parole officers, and researchers and criminal justice experts to improve survey measurement, data collection, reporting, procedures, data analysis, and presentation. The following individuals provided valuable advice and comments on the content and design of these data collection instruments over the past 3 years:

Edward E. Rhine, Ph.D.  
Director, Parole Release and Revocation Project  
Robina Institute of Criminal Law and Criminal Justice, University of Minnesota Law School  
238 Townshend Hall

1885 Neil Avenue Mall  
Columbus, OH 43210  
(614) 247-8915

David Oldfield  
Director, Research and Evaluation  
Missouri Department of Corrections  
PO Box 236  
Jefferson City, MO 65102  
(573) 526-0270

Kristofer (Bret) Bucklen, Ph.D.  
Director, Bureau of Planning, Research & Statistics  
Pennsylvania Department of Corrections  
1920 Technology Parkway  
Mechanicsburg, PA 17050  
(717) 728-4051

Jeffrey L. Lin, Ph.D.  
Associate Professor, Department of Sociology & Criminology  
University of Denver  
2000 E. Asbury Avenue, MSC 0942  
Denver, CO 80208  
(303) 871-6674

Erinn Herberman, Ph.D.  
Research Director, Research, Policy and Science Division  
San Diego County Probation Department  
9444 Balboa Ave., Suite 500  
San Diego, CA 92123  
(858) 514-3148

Mr. Viet Nguyen  
Research Associate, Public Policy Institute of California  
500 Washington Street, Suite 600  
San Francisco, CA 94111  
(415)291-4400

Ryken Grattet, Ph.D.  
Adjunct Fellow, Public Policy Institute of California  
500 Washington Street, Suite 600  
San Francisco, CA 94111  
(415)291-4400

Mia Bird, Ph.D.  
Research Fellow, Public Policy Institute of California  
500 Washington Street, Suite 600

San Francisco, CA 94111  
(415)291-4400

Danielle S. Rudes, Ph.D.  
Associate Professor, Criminology, Law and Society  
Deputy Director, Center for Advancing Correctional Excellence (ACE!)  
George Mason University  
4087 University Drive Suite 4100, MSN6D3  
Fairfax, VA 22030  
(703) 993-9897

Ms. Shannon Magnuson  
Doctoral Student, Criminology, Law and Society  
Graduate Research Assistant, Center for Advancing Correctional Excellence (ACE!)  
George Mason University  
4087 University Drive Suite 4100, MSN6D3  
Fairfax, VA 22030  
(407) 361-4121

Mr. Richard Castle  
Evidence Based Practices Operations Administrator, Virginia Department of Criminal  
Justice Services  
1100 Bank Street  
Richmond, VA 23219  
(804) 786-1165

Nathan Lowe, Program Director  
American Probation and Parole Association  
C/o The Council of State Governments  
3560 Iron Works Pike  
P.O. Box 11910  
Lexington, KY 40578-1910  
(859) 244-8057

In addition, BJS consulted with data providers and content experts in the development of the RY2020 coronavirus supplement. Specifically, BJS worked with six experts to develop and refine a draft coronavirus instrument. Guidance was provided on the content of the items and the best response options for capturing reliable answers across agencies. The draft instrument was modified based on this first round of feedback, and a new version was sent to another 4 expert reviewers (3 data providers and 1 national expert). The last reviews led to the addition of one item and minor wording changes to two items.

## 9. Paying Respondents

The ASPP is a voluntary data collection and respondents are notified in written communication that participation is voluntary. No gifts or incentives will be given.

#### 10. Assurance of Confidentiality

The ASPP data are collected under Title 34 U.S.C. § 10134 and 10231, which states the information gathered in this data collection shall be used only for statistical or research purposes, and shall be gathered in a manner that precludes their use for law enforcement or any purpose relating to a particular individual other than statistical or research purposes. The data collected through the ASPP represent institutional characteristics of publicly-administered or funded facilities and are, therefore, in the public domain. No individually identifiable information is collected. All information obtained consists of aggregated counts of the population under supervision by an agency, which severely limits the potential for the information to be used to identify an individual. BJS does not archive or otherwise release the names, telephone numbers, or email addresses of the persons responsible for completing the questionnaires.

#### 11. Justification for Sensitive Questions

There are no questions of a sensitive nature included in the ASPP.

#### 12. Estimate of Hour Burden

The CJ-7 is used to collect data from 52 state and local parole departments. Since 2001, BJS has administered the CJ-8 to the majority of state, federal, and local probation departments (n=360 in RY2020) and the CJ-8A to a smaller number of local probation departments (e.g., those with limited record-keeping and/or information systems and limited financial and personnel resources; n=160 in RY2020) to minimize the burden on those agencies.<sup>15</sup> In RY 2020, BJS will administer the CJ-8A short form to the 288 new entities added to the frame for the first time. Administering the short form will reduce burden and cost and encourage a high response rate, which is important for refining the frame because agencies need to verify their status as a supervising agency. BJS also expects some of the new agencies to be limited in their record keeping and reporting capabilities. Twenty of the new agencies indicated they supervised felons, but none provided estimates of the number of felons. Of those that gave estimated counts of total probationers or misdemeanants (6 agencies), a total of 12,363 probationers were supervised. The majority (268 or 93%) of these new agencies indicated they supervise only misdemeanor probationers, and over the course of frame development work these misdemeanor-only agencies combined reported supervising 73,263 probationers (median = 140).<sup>16</sup> In comparison, in RY2018 there were 3,540,000 probationers at yearend. Many small agencies supervising only misdemeanor probationers have historically not completed the CJ-8 full form.

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<sup>15</sup> In 2018, 260 probation agencies completed the CJ-8 and 195 completed the CJ-8A.

<sup>16</sup> Of the 288 new entities being added to the frame for the first time in RY2020, just over one-quarter did not provide information on the number of probationers served during the frame development research. Of the 20 agencies that indicated they supervised at least one felon, none provided counts of felons but two agencies provided counts of misdemeanants (estimated n = 12,363 misdemeanor probationers supervised). Of the 268 that indicated they served misdemeanants only, 204 (76%) provided a count (n = 73,263 misdemeanor probationers supervised) and 64 (24% of) agencies did not.

Annually, the ASPP collection will require about 1,001 burden hours (see table 1), and the burden hours in the RY2020 will be higher than normal due to the coronavirus (COVID19) supplemental questions. The total burden hours for RY2020 will be 287 (coronavirus supplement) + 1,001 (routine ASPP collection) = 1,288 hours.

The burden hours are based on past experience, practice, and input from data providers. The burden hours include the average time required per respondent to complete a survey form, plus the average time devoted to follow-up contact conducted by the data collection agent or BJS to resolve discrepancies in the data reported by respondents, or to collect data estimates from respondents on missing data elements. Based on the standard survey instrumentation, the burden hours for each reporting year are—

**Table 1. Burden Hours for RY 2020 Annual Collection**

Type of Form	Number of Agencies	Average time to complete form	Average time for follow-up	Total average time	Total reporting hours for annual collection	RY 2020 Total hours for Coronavirus supplement /a
CJ-7	52	1.5	0.250	1.750	91	17
CJ-8	360	1.5	0.250	1.750	630	120
CJ-8A/b	448	0.5	0.125	0.625	280	149
<b>Total</b>	<b>860</b>				<b>1,001</b>	<b>287</b>

**RY 2020 Total** for annual collection and coronavirus supplement: **1,288**

a/Includes a 20 minute questionnaire for RY 2020

b/Includes 288 agencies added to the RY2020 frame for the first time

These estimates are based on the complete number of reporters, burden is likely to be a little lower because not all reporters will respond to the survey. In addition, burden might be impacted slightly by planned changes to the instruments. The planned changes to the CJ-8 content include the deletion of 3 questions and the addition of 2 questions. The changes to formatting of hardcopy questionnaires should diminish burden since the modifications will make it easier for respondents to locate information and complete the survey. Similarly, planned changes to CJ-8A include removing 2 items and adding 2 items. The resulting change in burden due to these modifications is expected to be negligible.

For one year, in RY 2020, all agencies (52 parole supervising agencies and 520 probation supervising agencies) will be invited to complete a short (20 minute) coronavirus (COVID19) supplement. The supplement includes the routine items asking for the total number of probationers, number that entered, and number that exited with different reference months (January to June, 2020 as the pandemic caused initial closures and social distancing guidelines began). The remaining items are yes/no questions asking about agency disruptions and policy/practice changes that resulted from the coronavirus (attachment 10). The coronavirus supplement is expected to take an average of 20 minutes. Any follow-up related to the coronavirus items will take place during the routine follow-up calls already estimated in burden



numbers above. If all eligible agencies complete the coronavirus supplement, the total expected burden is 287 hours (20/60 minutes\*860 agencies).

### 13. Estimate of Respondent Cost

Web survey pre-notifications and invitations will be mailed and emailed to each respondent (see Attachments 13-14), and hardcopy questionnaires along with a self-addressed stamped envelope will be mailed to respondents upon request (see Attachments 7 to 9). (See Part A, Item 16, “Project Schedule” for more information about the survey invitations and other data collection materials.) The information requested is normally maintained electronically as administrative records in the parole and probation agencies. The only costs respondents will incur are costs associated with their time.

Using a rate of \$36 per hour, the cost to respondents for the standard collection are as follows:

- The CJ-7 form is expected to take 1.5 hours per response plus 0.25 hours for follow-up. The cost for the 52 CJ-7 forms is estimated to be \$3,276, or \$63.00 per respondent.
- The CJ-8 form is expected to take 1.5 hours per response plus 0.25 hours for follow-up. The cost for the 360 CJ-8 forms is estimated to be \$22,680, or \$63.00 per respondent.
- The CJ-8A form is expected to take 0.5 hours per response plus 0.125 hours for follow-up. The cost for the 448 CJ-8A forms is estimated to be \$10,080, or \$23 per respondent.
- In RY2020, the supplemental coronavirus (COVID19) questions are expected to take 20 minutes (.33 hours) per response. The maximum cost if the supplement is completed by all 860 agencies is \$10,320, or \$12 per respondent.

The total respondent cost excluding the coronavirus supplement is \$36,036 per collection year, and the total with the coronavirus supplement for RY2020 is \$46,356.

### 14. Cost to the Federal Government

The cost to the Federal Government for the collection and dissemination of ASPP data is estimated to be an average annual \$650,282 per year. These costs included an average annual \$550,000 paid through a cooperative agreement with a contractor and an estimated \$100,282 in BJS costs.

Cooperative agreement award with contractor, \$550,000/year –  
Labor for questionnaire development (including pilot testing), data collection/processing, imputation and file/documentation, other direct costs, fringe benefits and other indirect costs

Total staffing costs	\$ 68,127
30% GS-14, Statistician	\$ 36,395
5%, GS-15, Supervisory Statistician	\$ 7,135
2% GS-15, Chief Editor/Supervisory statistician,	\$ 2,854
5% GS-13, Editor	\$ 5,133
2% GS-12, Designer	\$ 1,727
2% GS-14, Information Technologist	\$ 2,426
5% GS-14, Information Technology Specialist	\$ 6,066
2% GS-9, Information Specialist	\$ 1,191
Senior BJS Management	\$ 5,200
Fringe benefits (28% of salaries)	\$ 19,075
Other administrative costs (15% of salary & fringe)	\$ 13,080
<b>Total</b>	<b>\$ 100,282</b>

#### 15. Reason for Change in Burden

The estimated total burden for the 2020 routine ASPP is 1,001 hours in RY 2020, and the burden estimate for the RY 2020 coronavirus supplement is 287 hours, for a total of 1,288 burden hours. This is an increase of 572 hours compared with the burden approved by OMB in 2017 (when burden was 716 hours). The change is the result of the following modifications—

- The addition of expansion frame cases to the sample, 66 that were added to the probation frame in RY2019 and will receive the full CJ8 form in RY2020, and 288 that will be added to the RY2020 collection and be administered the short CJ8A form.
- The addition of a 20 minute supplement to examine the impact of the coronavirus pandemic on probation and parole supervision in RY2020.
- Asking CJ7 and CJ8 respondents who report the number of cases rather than individuals under supervision to also provide an approximate ratio of cases to individuals. This will allow BJS to better estimate the number of individuals under supervision and improve the accuracy of the national and state statistics.
- Splitting the one question currently asked on the CJ7 and the one on the CJ8 about supervision status into two questions: one asking for population counts by active and inactive status, and one asking for population counts by other status types (e.g., absconders, supervised out of state, etc.). This change will help prevent respondent confusion and potential double-counting of individuals.
- Adding a question about other population types supervised by the agency that were included in the population counts reported on the CJ7 and the CJ8. These items will enable BJS to better estimate the number of individuals under supervision and improve the accuracy of the national and state statistics.

#### 16. Project Schedule and Publication/Analysis Plans

**Table 3. Project schedule (2021 example year)**

<b>Task</b>	<b>Start</b>	<b>End</b>
Data collection	January 2021	May 2021
Notification of impending due dates, nonresponse follow-up, thank you letters	January 2021	May 2021
Data editing, verification, final callbacks	January 2021	May 2021
Analysis	May 2021	June 2021
Report writing ( <i>Annual Probation and Parole in the United States report</i> )	June 2021	November 2021
Press release and final reports released	December 2021	December 2021

For details on the project schedule, see Supporting Statement B.

#### *Information Dissemination from the Annual Probation and Parole Surveys*

Dissemination products include press releases, annual bulletins, two Corrections Statistical Analysis Tools (CSAT). In addition, BJS makes multiple products available through the BJS website to disseminate key statistics.

Specifically, BJS plans to release the annual Probation and Parole in the US report and final data file to the public within a year after the data are collected (see table 4 for key statistics released annually). Annual bulletins in BJS “[Probation and Parole Population Series](#)” report the most recent national and state level findings related to the size of the community corrections populations, changes in the populations, and factors related to those changes.<sup>17</sup> BJS also publishes data from the ASPP series in its [Correctional Populations in the United States Series](#)<sup>18</sup> In addition to providing summary data on the total correctional population, the Correctional Populations series allows BJS to focus more attention on how data from the ASPP change in relation to other components of the correctional population, as well as the size of the community corrections population relative to institutional corrections.

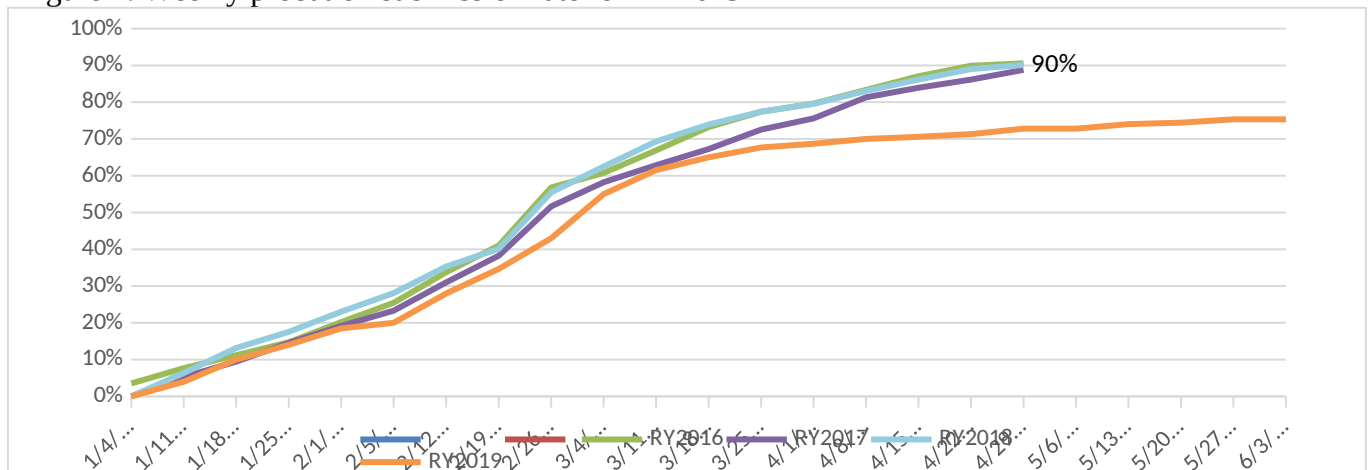
<sup>17</sup> Kaeble, D., *op. cit.* (see Attachment 4).

<sup>18</sup> Kaeble, D. and Cowhig, M. (2018) *Correctional Populations in the United States, 2016*, Bureau of Justice Statistics, Washington, DC, <https://www.bjs.gov/content/pub/pdf/cpus16.pdf> (see Attachment 3).

<b>Table 4. Key statistics on community corrections</b>			
<b>Key Statistic</b>	<b>ASPP data element</b>	<b>Relevant questionnaire item</b>	
		<b>Annual Probation Survey, CJ-8</b>	<b>Annual Parole Survey, CJ-7</b>
Number under supervision	Yearend population	Q4	Q4
Annual change in population	Yearend population, previous year and current year	Q4	Q4
Number of movements	Total entries during the year	Q2e, Q3i	Q2g, Q3h
	Total exits during the year		
Annual change in movements	Total entries previous and current year	Q2e, Q3i	Q2g, Q3h
	Total exits previous and current year		
Supervision rate per 100,000 adult residents	Yearend population	Q4	Q4
Turnover rate	Total exits	Q1, Q3i, Q4	Q1, Q3h, Q4
	Beginning and yearend population (average)		
Completion rate	Type of exit--completion	Q1, Q3a, Q3g1, Q4	Q1, Q3a, Q3f1, Q4
	Beginning and yearend population (average)		
Incarceration rate	Type of exit--incarceration (total)	Q1, Q3b1 to Q3b5, Q4	Q1, Q3b1 to Q3b5, Q4
	Beginning and yearend population (average)		
Mean time under supervision	Total exits	Q1, Q3i, Q4	Q1, Q3h, Q4
	Beginning and yearend population (average)		
Rate of incarceration of at-risk population	(Inverse of turnover rate times 12)	Q1, Q3b1 to Q3b5, Q4	Q1, Q3b1 to Q3b5, Q4
	Type of exit--incarceration (total)		
Mortality rate	Beginning year population plus total entries	Q1, Q3f, Q4	Q1, Q3e, Q4
	Type of exit--death		
Number and proportion of offenders by sex	Beginning and yearend population (average)	Q6a to Q6d	Q9a to Q9d
	Number of men; number of women		
Number and proportion of offenders by race	Yearend population	Q7a to Q7j	Q10a to Q10j
	Number by each racial category		
Number and proportion of offenders by type of offense	Yearend population	Q10a to Q10j	Q11a to Q11h
	Number of violent, property, drug etc.		
Number and proportion of offenders by severity of offense	Yearend population	Q8a to Q8e	NA
	Number of felons; number of misdemeanants		

Based on the coronavirus (COVID19) supplement, BJS will release a special report examining the population counts and the practice/policy impacts of the pandemic. The impacts of the coronavirus were observable during the RY2019 collection. As shown in Figure 1, beginning in March the response rate leveled off during the RY2019 collection, as agencies were required to respond to new policies and guidelines resulting from the coronavirus, and many agencies likely shut down for a period of time. As of June 4, 2020, BJS had confirmation through data retrieval efforts from 84 agencies that the coronavirus had impacted their agency through closures or reduction of services. The supplemental coronavirus questionnaire for RY2020 will allow BJS to produce key statistics for RY2020, including a) how many agencies closed down in 2020, b) how many agencies increased or started using video reporting and other social distancing types of reporting, c) how many agencies suspended the use of arrests, filing of, court hearings for, or jail sentences for technical violations, and d) how the population of probationers and parolees changed between 2019 yearend, mid 2020, and yearend 2020.

Figure 1. Weekly probation submission rate for RY2019



BJS archives data from the ASPP at the National Archive of Criminal Justice Data (<http://www.icpsr.umich.edu/icpsrweb/NACJD/index.jsp>), maintained by the Interuniversity Consortium for Political and Social Research at the University of Michigan. Making the data available through the NACJD is essential to encouraging external researchers to use these data. The 1994-2016 ASPP data have been archived, representing all years for which electronic data are available. BJS has set a goal of archiving the data from each subsequent year at about the same time of release of its annual report in its Probation and Parole in United States series.

Currently data from 1994 to 2016 are available on the CSAT tools that were first released in 2014. From April 30, 2019 through April 30, 2020, the parole webtool had 1,433 users and 2,047 page views. Over the same time period, the probation webtool had 1,176 users and 1,714 page views. The probation CSAT tool is available here: <https://www.bjs.gov/probation/> and parole CSAT tool is available here: <https://www.bjs.gov/parole/>.

17. Expiration Date Approval

The OMB Control Number and the expiration date will be printed on the CJ-7, CJ-8, and CJ-8A forms and appear on the first screen of the web survey (Attachments 7 to 9).

18. Exceptions to the Certification Statement

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