

B. Collection of Information Employing Statistical Methods

1. Potential Respondent Universe

The National Prisoner Statistics program – Coronavirus Pandemic survey (NPS-CPan) covers the entire universe of state and federal prisons. A fillable PDF form will be sent to the research section of each state department of corrections (DOC) and the Federal Bureau of Prisons (BOP), and will be completed by a statistician or research analyst. BJS anticipates that at least one additional person from a medical records office may need to be consulted during the preparation of the data, but during the cognitive test of the questionnaire (see Part B, section 4, Test of Procedures and Methods), respondents said information to answer most questions were readily available.

The Bureau of Justice Statistics (BJS) is requesting that state DOCs and the BOP report for all prisoners in the custody of state/federal-operated facilities and those in facilities operated for the jurisdiction by a private or contract company. Importantly, BJS requests that DOCs and the BOP not include prisoners in the custody of local jails, since those individuals will be counted in BJS's Annual Survey of Jails (ASJ, OMB control number 1121-0094). Instructions on the survey form advise respondents to include all prisoners in 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.

2. Procedures for Information Collection

Upon OMB clearance, BJS will send the NPS-CPan survey request letter (Appendix F) and form to the state DOC and BOP directors, carbon-copying the respondent for BJS's annual National Prisoners Statistics program (NPS-1B, OMB control number 1121-0102). The survey letter, signed by BJS's director (or acting director, if applicable), will communicate the importance of the collection to the DOC and BOP directors, and ask for their rapid response. The NPS-CPan survey data will be collected through a fillable PDF form that state and BOP respondents can return via email, fax, or postal mail. They can also call BJS or BJS's data collection agent to respond over the phone. The forms will be sent via email to respondents on April 14, 2021, or the date of OMB clearance (whichever date is later) and BJS will request that jurisdictions respond within two months, by June 14, 2021. A reminder email will be sent on June 1, 2021, two weeks before the requested submission date (Appendix G). Non-response follow-up (NRFU) will be conducted by telephone and email, and will be completed by July 14, 2021.

3. Methods to Maximize Response

In addition to the survey letter communicating the importance of the collection to the DOC and BOP directors, BJS will send a reminder email two weeks before the end of the collection period. The survey instrument includes the email addresses and telephone numbers of the BJS program manager and the data collection agent (Abt Associates), who will be available to answer any questions. BJS also plans to perform aggressive NRFU in the month after the formal data collection period.

4. Test of Procedures or Methods

BJS tested a draft of the NPS-CPan survey with seven DOC respondents between July 13 and July 24, 2020. The states chosen to participate represented a mix of states with small and large prison populations, some that utilize private prison facilities to house some prisoners, and one of the six states with combined jail/prison systems. Participants were sent a copy of the original survey instrument ahead of time, which included nine multi-part questions (Appendix H). At the time of the cognitive test, BJS had envisaged fielding the NPS-CPan during the fall of 2020, so the reference period tested was March through August, 2020. During an hour-long phone call, cognitive test participants were asked a series of questions designed to determine whether respondents understood the questions and would be able to provide this information, as well as approximate estimates of burden for each question (Appendix I). In particular, respondents from states utilizing private prison facilities were asked whether they would be able to report on prisoners housed in these facilities. The results of this cognitive test were incorporated into the final survey instrument, and the reference period was updated to reflect the later fielding of the survey.

Respondents uniformly reported that they would have no trouble answering monthly questions on the number of persons admitted to or in the custody of their prison systems. Likewise, they reported that an aggregate measure of total releases between March and August 2020 would be easy to obtain using their data systems, and that it would be no more or less difficult to combine months than to report each separately. States reported that they would have no issues including prisoners in private facilities, and excluding those in the custody of local jails. The respondent from the combined prison/jail state asked whether they should include unsentenced prisoners in their counts, and BJS added this clarification to the form after the cognitive test.

Two of the respondents said that their states had not enacted a policy of expedited releases. The remaining respondents could tell BJS the count of persons released early because of coronavirus, or wanted more clarification in what constituted an expedited release before responding. BJS added clarifying language to the question after the cognitive test to indicate persons should be counted if they were released before their scheduled or anticipated release date, or before their eligibility date for parole/probation, even if it was only a day ahead of those landmarks. BJS also clarified that unsentenced prisoners should be counted.

All of the participants in the cognitive test told BJS that their states used viral tests only, or could divide the count of viral tests from serology or antibody tests. They could all report the total number of tests, the total number of positive tests, and the number of unique prisoners who tested positive. Several states said that they would need to request additional information from their medical branch to obtain the demographic breakdown of unique prisoners testing positive, which might cause a delay in delivering the completed responses. Respondents from states with private prisons reported that they would have no issues including counts from those facilities.

Data on coronavirus deaths among prisoners is readily available according to the five states that participated in the cognitive test and had experienced at least one prisoner death due to the coronavirus as of July, 2020. The respondents said that these were statistics requested on a daily basis by the DOC director, state legislature, governor, media, and/or the general public. Respondents said that the disaggregation of deaths by age, sex, and race/Hispanic origin would add a little time, but in general, could be performed using their standard offender management system software. States with private prisons reported that they were receiving counts of deaths from their contract facilities.

BJS modified the NPS-CPan survey based on feedback from all seven respondents that the concepts of “suspected” and “confirmed” deaths were not ones they used. All said that they believed their medical staff only counted deaths of prisoners who were confirmed by viral test to be positive for the coronavirus. However, BJS suspects that some DOCs or the BOP might still include deaths suspected (but not confirmed by viral test) to be caused in part or full by coronavirus in their counts, so BJS ultimately decided to request the total number of coronavirus-related deaths, regardless of viral test confirmation.

BJS decided to add questions on the coronavirus vaccination to the NPS-CPan after it was approved by the U.S. Food and Drug Administration (FDA). States had been asked to develop plans for vaccine distribution that prioritized certain subpopulations based on risk factors including those in jobs with close proximity to infected individuals, age, and underlying medical conditions. Housing situations that limited social distancing ability were also considered, and some states included nursing home residents and prisoners as having priority access to vaccination. In late December, 2020, BJS contacted three additional state DOC respondents to ask whether they would be able to answer questions on the number of vaccinations given to staff and prisoners, and yes/no questions about prioritization practices within the DOC system. While none of the state DOCs had yet received the vaccine, all felt that they would be able to easily track the number of vaccinations. They were also familiar with their states’ prioritization protocols and whether prisoners and prison staff were considered a higher priority for vaccination than the general public.

5. Contact Information

The Corrections Statistics Unit at BJS is responsible for the overall design and management of the activities related to this collection including: data collection; data elements, definitions, and counting rules; and data analysis and dissemination. The BJS contacts for this collection are --

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