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Appendix A:

National Prisoner Statistics program: Coronavirus Pandemic (NPS-CPan) survey instrument

**RETURN
TO**

Abt Associates
National Prisoner Statistics
Survey
10 Fawcett Street Cambridge,
MA 02138

FORM
 (1-7-2021)

2021 Departments of
Corrections COVID-19
Special Data Collection

U.S. DEPARTMENT OF JUSTICE
 BUREAU OF JUSTICE STATISTICS
 and ACTING AS COLLECTING AGENT
 ABT ASSOCIATES INC.

DATA SUPPLIED BY

NAME					Title		
TELEPHONE	Area Code	Number	Extension	FAX NUMBER	Area Code	Number	E-MAIL ADDRESS

GENERAL INFORMATION

- If you have any questions, contact the **Abt Associates Project Director, Tom Rich (617-349-2753 or tom_rich@abtassoc.com)** or the **BJS Program Manager, E. Ann Carson (202-616-3496 or elizabeth.carson@ojp.usdoj.gov)**.
- Please complete the questionnaire before **June 14, 2021** by emailing a scanned copy of the form to **tom_rich@abtassoc.com**, by mailing the completed form to **Abt Associates** at the address above, or by FAXing all pages to 1-617-218-4500.
- Please retain a copy of the completed form for your records.

What types of inmates are included?

Inmates in your custody AND inmates held in privately-operated or contract facilities between January 1, 2020 and February 28, 2021.

- INCLUDE inmates who are unsentenced or who are sentenced to any length of time.
- INCLUDE inmates physically held in your prison facilities (e.g., 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).
- INCLUDE inmates who are temporarily absent (less than 30 days), out to court, or on work release.
- INCLUDE inmates physically held in private or contract prison facilities in your state.
- INCLUDE inmates held in your facilities who are serving a sentence for your jurisdiction and another jurisdiction at the same time.
- INCLUDE inmates held in your facilities for another jurisdiction.
- EXCLUDE inmates held in local jails and inmates held in state-operated or private facilities located in other jurisdictions.

Definitions

Coronavirus - Refers to *coronavirus disease* (COVID-19) and the virus causing the disease, *severe acute respiratory syndrome coronavirus 2*, (SARS-CoV-2).

TEST - Refers to the viral or PCR test for COVID-19. Do not count serology or antibody tests for COVID-19.

ANTIBODY TEST - Serology test to detect antibodies produced in response to COVID-19. Do not count viral or PCR tests for COVID-19 as antibody or serology tests.

COVID-19 DEATH - A death where COVID-19 was the single cause of death, or one of the contributing causes. The cause of death could be determined by a positive viral COVID-19 test, or classified on the official death report as suspected or corona-virus related.

BURDEN STATEMENT

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 2.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this collection of information, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, Washington, DC 20531; and to the Office of Management and Budget, OMB No. 1121-XXX, Washington, DC 20503.

SECTION I: PRISON POPULATION, ADMISSIONS, RELEASES

1. Between January 2020 and February 2021, how many persons were IN THE CUSTODY OF and ADMITTED to your state-operated and private prison facilities?

- INCLUDE all types of admissions to your prison system, for sentences of any length or any total time served.
- EXCLUDE prisoners under your jurisdiction held in local jails or in out-of-state prison facilities.

IN CUSTODY ON--			ADMITTED DURING THE ENTIRE MONTH OF--		
2020	Jan. 31		2020	January	
	Feb. 29			February	
	Mar. 31			March	
	Apr. 30			April	
	May 31			May	
	Jun. 30			June	
	Jul. 31			July	
	Aug. 31			August	
	Sept. 30			September	
	Oct. 31			October	
	Nov. 30			November	
	Dec. 31			December	
2021	Jan. 31		2021	January	
	Feb. 28			February	

2. Between January 1, 2020 and February 28, 2021, how many prisoners in the custody of your state-operated and in private prison facilities ----

a. Were RELEASED?

- INCLUDE all persons, sentenced to any length of time or unsentenced, released for any reason.
- EXCLUDE prisoners under your jurisdiction held in local jails or in out-of-state prison facilities.

b. Received EXPEDITED RELEASE ① in response to the coronavirus pandemic?

- ① Prisoners are released prior to their scheduled and/or expected release date or parole/probation eligibility date, even if only by one day. These can include sentenced or unsentenced prisoners.
- INCLUDE releases in order to limit prisoner risk and exposure, or due to coronavirus related understaffing, court orders, legislative mandate, etc.
- EXCLUDE prisoners under your jurisdiction held in local jails or in out-of-state prison facilities.

3. Of those who received EXPEDITED RELEASE (item 2b), what were the criteria that your state used to determine who should be released early? (please check yes or no for each)

Criteria	Yes	No	N/A	
Risk-assessment score				
Time left on sentence				Max. sent. length remaining: _____
Only non-violent offenders				
Only non-viol. Offenders with no viol. priors				
Age				Minimum age eligible: _____
Health status				
Positive viral test for coronavirus				
Verified post-prison housing in community				
Person was unsentenced				
Other (please specify)				

SECTION II: PRISONER TESTING AND DEATHS

4. Between March 1, 2020 and February 28, 2021 ----

a. How many coronavirus TESTS ⓘ did your state administer to prisoners in the custody of your state-operated or in private prison facilities?

- ⓘ Coronavirus test refers to the viral test for COVID-19. Do not count antibody or serology tests.
- ✓ INCLUDE sentenced or unsentenced prisoners tested either on or off facility grounds (e.g. at hospitals, medical centers, private labs, intake centers, or other health vendors).
- ✓ INCLUDE all tests administered, even if individuals got multiple tests over time.
- X EXCLUDE prisoners under your jurisdiction held in local jails or out-of-state prison facilities.

b. Of the tests in item 4a, how many TESTS were POSITIVE for coronavirus?

- X EXCLUDE “presumptive positive” test results.

c. Individuals may test positive for coronavirus multiple times. Between March 1, 2020 and February 28, 2021, how many UNIQUE PRISONERS ⓘ in the custody of your state-operated or in private prison facilities tested positive AT LEAST ONE TIME?

- ⓘ Multiple positive test results for the same individual should be counted only once.
- X EXCLUDE prisoners under your jurisdiction held in local jails or out-of-state prison facilities.
- X EXCLUDE antibody or serology test results.

Males	
Females	
TOTAL	

d. Of those UNIQUE PRISONERS who tested positive for coronavirus (item 4c), how many were---

White , <i>not of Hispanic origin</i>	
Black , <i>not of Hispanic origin</i>	
Hispanic or Latino	
American Indian or Alaska Native , <i>not of Hispanic origin</i>	
Asian , <i>not of Hispanic origin</i>	
Native Hawaiian or Other Pacific Islander , <i>not of Hispanic origin</i>	
Two or more races , <i>not of Hispanic origin</i>	
Other racial category , <i>not of Hispanic origin</i>	
Unknown racial category , <i>not of Hispanic origin</i>	
TOTAL (<i>Sum should equal TOTAL in Item 4c</i>)	

5. Between March 1, 2020 and February 28, 2021, how many PRISONERS DIED from the coronavirus while in the custody of your state-operated and in private prison facilities?

INCLUDE all deaths from coronavirus of prisoners---

- ✓ *IN CUSTODY of your state-operated and private prison facilities.*
- ✓ *WHILE IN-TRANSIT to an external medical facility or other prison facility.*
- ✓ *UNDER YOUR JURISDICTION but being treated at an external medical facility.*
- ✓ *Regardless of where and when the prisoner contracted COVID-19.*
- ✓ *Include all deaths where coronavirus was suspected or confirmed to be the cause of, or significant contributor to death*

X *EXCLUDE deaths of prisoners under your jurisdiction, but who died in local jails or out-of-state prison facilities.*

a. TOTAL deaths ⓘ from coronavirus

ⓘ *Deaths where coronavirus was suspected or confirmed to be the cause of death OR a significant contributor to the death.*

Males	
Females	
TOTAL	

b. Of those prisoners who DIED from coronavirus (item 5a TOTAL), how many were---

White , <i>not of Hispanic origin</i>	
Black , <i>not of Hispanic origin</i>	
Hispanic or Latino	
American Indian or Alaska Native , <i>not of Hispanic origin</i>	
Asian , <i>not of Hispanic origin</i>	
Native Hawaiian or Other Pacific Islander , <i>not of Hispanic origin</i>	
Two or more races , <i>not of Hispanic origin</i>	
Other racial category , <i>not of Hispanic origin</i>	
Unknown racial category , <i>not of Hispanic origin</i>	
TOTAL (<i>Sum should equal the item 5a TOTAL</i>)	

c. Of those prisoners who DIED from coronavirus (item 5a TOTAL), how many were ages--

24 years or younger		
25 - 34 years		
35 - 44 years		
45 - 54 years		
55 - 64 years		
65 - 74 years		
75 years or older		
TOTAL (<i>Sum should equal the item 5a TOTAL</i>)		

d. How many of the total deaths (item 5a TOTAL) were attributed to coronavirus based on a medical examiner's or coroner's evaluation (such as an autopsy, postmortem exam, or review of medical records)?

e. Of those female prisoners who DIED from coronavirus (item 5a FEMALES), how many were pregnant at the time of death?

- e. **Between March 1, 2020 and February 28, 2021, how many **TOTAL PREGNANT FEMALES** were in the custody of your state-operated or in private prison facilities for any period of time?**

SECTION III: TRANSMISSION MITIGATION AND VACCINATION

6. **At any time between March 1, 2020 and February 28, 2021, did your department of corrections implement any of the following mitigation tactics in response to the coronavirus pandemic in its state-operated and private correctional facilities?** (please check one box for each policy)

	In no facilities	In some facilities	In all facilities	Unknown
Testing of all new prisoners at admission (not incl. antibody/serology tests)				
Automatic quarantine of new admissions				
Lockdown of prisoners in cells				
Suspension of transfers between prisons or local facilities (complete halt of transfers for any length of time)				
Suspension of educational programs (complete halt of programs for any length of time)				
Suspension of drug and alcohol treatment programs (complete halt of programs for any length of time)				
Suspension of prison labor programs (complete halt of programs for any length of time)				
Suspension of in-person family visitation to prisoners (complete halt of visitation for any length of time)				
Suspension of in-person legal visitation to prisoners (complete halt of visitation for any length of time)				
Suspension of ministry/religious service programs (complete halt of programs for any length of time)				
Daily temperature checks for prisoners				
Temperature checks for staff at beginning of each shift				
Isolation/quarantine of symptomatic prisoners				
Enforced sick or administrative leave for symptomatic staff				
Provision of hand sanitizer for prisoners				
Provision of face masks to prisoners				
Provision of face masks or gloves to staff				
Viral testing of prisoners before release (not incl. antibody/serology tests)				
Antibody/serology testing of staff				
Antibody/serology testing of prisoners				

7. On what date did your department of corrections first ADMINISTER A VACCINE ⓘ for coronavirus to prisoners or staff in your state-operated or private correctional facilities?

ⓘ The U.S. Food and Drug Administration approved the first coronavirus vaccine for use on December 11, 2020. Please report the date the first DOC staff or prisoner was given the vaccine shot in your state.

- ✓ INCLUDE sentenced or unsentenced prisoners or staff who came into contact with prisoners OR who worked inside state-operated or private correctional facilities.
- ✓ INCLUDE vaccinations of staff that occurred from vaccine stock given to the department of corrections
- X EXCLUDE prisoners under your jurisdiction held in local jails or out-of-state prison facilities.

, 20____

8. By February 28, 2021, how many staff and prisoners had received at least one dose of the coronavirus vaccine?

Sentenced or unsentenced prisoners	
Staff members	
TOTAL	

9. Vaccines were in limited supply in the months after FDA approval. What policies were adopted by your department of corrections for vaccination distribution? (please check one box for each policy)

Policy	Yes, we followed this policy	No, this was not a policy we followed	N/A
All staff members in facilities were vaccinated before any prisoners received the vaccine			
All prisoners (with the exception of those who were medically unable to be vaccinated) were required to receive the vaccine			
Prisoners were allowed to opt-in or opt-out of vaccination			
All staff members (with the exception of those who were medically unable to be vaccinated) were required to receive the vaccine			
Staff members were allowed to opt-in or opt-out of vaccination			
Older prisoners were prioritized for vaccination, over younger prisoners			
Prisoners with chronic or other infectious diseases were prioritized for vaccination, over healthy prisoners			

Prisoners soon to be released were prioritized for vaccination, over those who would not be released in the near future			
Newly admitted prisoners were prioritized for vaccination, over those already in the general population			
Prisoners were offered incentives to receive the vaccine, such as free phone calls, extra family visitation sessions, or money added to their canteen balance			

SECTION IV: STAFF QUESTIONS

10. On February 28, 2021, how many unique STAFF MEMBERS were employed by your department of corrections and who worked inside one of your state-operated correctional facilities?

- INCLUDE correctional officers, health care workers, janitorial staff, and any other paid personnel who came into contact with prisoners OR who worked inside a correctional facility operated by your DOC.
- EXCLUDE staff who work for private correctional operators or prison volunteers.
- EXCLUDE DOC-employed staff who do not work in correctional facilities.

11. Between March 1, 2020 and February 28, 2021, how many STAFF MEMBERS employed by your department of corrections and who worked inside one of your state-operated correctional facilities----

a. Tested POSITIVE for the coronavirus at least once?

- INCLUDE any positive viral coronavirus test, regardless of where it was administered.
- INCLUDE paid personnel who either came into contact with prisoners OR who worked inside a correctional facility operated by your DOC.
- EXCLUDE antibody or serology tests, as well as "presumptive positive" test results.
- EXCLUDE staff who work for private correctional operators or prison volunteers, and DOC-employed staff who do not work in correctional facilities

b. DIED ⓘ from the coronavirus?

- ⓘ All deaths where coronavirus was the cause of death OR a significant contributor to the death, regardless of where and when the staff member contracted coronavirus

Appendix B:

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 C:

NPS-CPan 60-day Federal Register Notice

Morrisette Drive, Springfield, Virginia 22152; Telephone: (571) 362-3261.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information proposed to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other forms of information technology, e.g.,

permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* New collection.
2. *Title of the Form/Collection:* Registration for CSA-Data Use Request.
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* There will be no form number. The applicable component within the Department of Justice is the Drug Enforcement Administration, Diversion Control Division.
4. *Affected public who will be asked or required to respond, as well as a brief abstract:*
Affected public (Primary): Business or other for-profit.
Affected public (Other): Not-for-profit institutions; Federal, State, local, and tribal governments.
Abstract: In accordance with the Controlled Substance Act (CSA), every person who manufactures, distributes, dispenses, conducts research with, imports, or exports any controlled substance to obtain a registration issued

by the Attorney General. 21 U.S. 822, 823, and 957. While DEA registrants are able to self-verify their registration status, non-registrants do not have an obligation to register under the CSA, and therefore does not have an automatic means to verify the registration of a DEA-registrant. Non-registrants have obligations to verify the registration statuses before doing things such as hiring practitioners, paying for controlled substance prescriptions covered by Medicaid or Medicare, and other means that are apart of commerce. This proposed collection would allow non-registrants to register for access to the CSA Database System, which gives the names and registration statuses of all DEA-registrants. Applicants would be required to re-apply annually by completing this form and submitting to DEA.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The below table presents information regarding the number of respondents, responses and associated burden hours.

Activity	Number of annual responses	Number of annual responses	Average time per response (minutes)	Total annual hours
Registration for CSA Data-Use Request	1,000	1,000	15	250
Total	1,000	1,000	250

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* DEA estimates that this collection takes 250 annual burden hours.

If additional information is required please contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: December 3, 2020.

Melody Braswell,
Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020-26937 Filed 12-7-20; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

[OMB Number 1121-NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection: National Prisoner Statistics Program: Coronavirus Pandemic Supplement

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. **DATES:** Comments are encouraged and will be accepted for 60 days until February 8, 2021.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time,

suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact E. Ann Carson, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW, Washington, DC 20531 (email: elizabeth.carson@usdoj.gov; telephone: 202-616-3496).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New collection.

(2) *The Title of the Form/Collection:* National Prisoner Statistics program: Coronavirus Pandemic Supplement (NPS–CPan).

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is NPS–CPan. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Respondents will be staff from state departments of correction and the Federal Bureau of Prisons. The NPS–CPan survey will request information on the prison response to the coronavirus disease (COVID–19) between March 1, 2020 and February 28, 2021, including: Monthly counts of admissions and stock populations in all publicly and privately operated facilities within each state, the total number of persons who received expedited release from prison due to the COVID–19 pandemic and criteria for deciding which prisoners received expedited release, the number of tests performed on prisoners and staff, the number of unique prisoners and staff testing positive for COVID–19, the age, sex, and race distributions of prisoners testing positive for, and dying from COVID–19, the number of prison staff who died from COVID–19, and the use of common mitigation tactics in facilities to identify persons with the disease and prevent its spread.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* BJS estimates that responding to the NPS–CPan survey will require an average of 4 hours, based on feedback from respondents to a cognitive test of the data collection.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There is an estimated 204

total burden hours associated with this collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: December 3, 2020.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020–26939 Filed 12–7–20; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0007]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; Extension With Change of a Currently Approved Collection Release and Receipt of Imported Firearms, Ammunition and Defense Articles—ATF Form 6A (5330.3C)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until February 8, 2021.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, regarding the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact: Desiree Dickinson, EPS/IMPORTS/FESD, either by mail at 244 Needy Road, Martinsburg, WV 25405, by email at desiree.dickinson@atf.gov, or by telephone at 304–616–4550.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary

for the proper performance of the functions of the agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection (check justification or form 83):* Extension with change of a currently approved collection.

2. *The Title of the Form/Collection:* Release and Receipt of Imported Firearms, Ammunition and Defense Articles.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number (if applicable): ATF Form 6A (5330.3C).

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other (if applicable): Business or other for-profit and not-for-profit institutions.

Abstract: The information collected on the Release and Receipt of Imported Firearms, Ammunition and Defense Articles—ATF Form 6A (5330.3C) is used to determine if articles listed on the permit application meet the statutory and regulatory criteria for importation, and were actually imported.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 28,000 respondents will use the form annually, and it will take each respondent approximately 35 minutes to complete their responses.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is

Appendix D:

Public comments on the proposed NPS-CPan data collection

From:
To: [Carson, Elizabeth \(OJP\)](#)
Subject: National Prisoner Statistics Program: Coronavirus Pandemic Supplement
Date: Friday, December 11, 2020 7:37:50 PM
Importance: High

I wish to comment on the above titled program:

Statistics pertaining to the impact coronavirus pandemic has had on correctional facilities is extremely important and necessary. Data regarding the impact is well documented in the newspapers and journal articles. Many of these contain data that cannot be obtained elsewhere. The impact coronavirus has had on correctional facilities has been devastating. More lives have been infected and loss than in the general public. The data shows the rates of infection and deaths may be greater than in nursing homes and increasing. Statistics such as from the Federal Register can be use to direct resources and funds to where they are needed the most. I strongly request that this project continues by The Bureau of Justice Statistics. It would be a travesty of justice and humanity if discontinued.

President-elect American College of Correctional Physicians

From:**Sent:** Monday, December 28, 2020 2:58 PM**To:** Carson, Elizabeth (OJP) <Elizabeth.Carson@ojp.usdoj.gov>**Cc:****Subject:** RE: public comments- National Prisoner Statistics Program: Coronavirus Pandemic Supplement

Hello Dr. Carson-

I hope this finds you well.

We would like to submit the following comment for the request on this proposed supplement to the NPS program:

We are writing in response to the request for public comments on a New Collection: National Prisoner Statistics Program: Coronavirus Pandemic Supplement. Upon our evaluation of the announcement, we have determined that the proposed collection of information is certainly necessary for the proper performance of the functions of BJS. It has already been established that prisons are hotspots for COVID-19 infection, that incarcerated people have higher rates of mortality, and that these also track along racial disparities. Having BJS's methodological apparatus and statistical expertise behind formalizing data collection and collecting the most accurate data is essential for understanding the pandemic in incarcerated settings—and for preventing future outbreaks.

The quality and utility of the information that is proposed to be collected could be enhanced by collecting data on the number of pregnant people in custody who tested positive for the virus and how many pregnant people in custody had COVID related mortality. At least one incarcerated pregnant person died due to COVID—a woman in April, 2020 who was in federal custody. Given the unique risks of COVID in pregnancy and increased vulnerability to infection, and given that we know that there are [thousands of pregnant people who are incarcerated](#), having this information is essential for understanding the deeper impact of the pandemic on all types of people in the incarcerated population—while also lending useful information on maternal health impact of COVID. This would be a primary data point to include. Secondly, we recommend collecting data on number of people—with or without COVID positive tests—who were pregnant and gave birth during this time period, to have a sense of the denominator for this sub-population. In addition, if possible, BJS could try to collect information on pregnant staff members who contracted COVID.

Thank you very much for your consideration!

Best,

--

Dept. of Gynecology and Obstetrics
Johns Hopkins School of Medicine
Johns Hopkins Bayview Medical Center
4940 Eastern Ave, A121
Baltimore, MD 21224

[Advocacy and Research on Reproductive Wellness of Incarcerated People](#)



From: [Carson, Elizabeth \(OJP\)](#)
To: [Carson, Elizabeth \(OJP\)](#)
Subject: FW: Public Comment on NPSP Coronavirus Supplement from John Jay Economics: Stimulus Payments
Date: Tuesday, February 9, 2021 7:27:12 AM

Sent: Monday, February 8, 2021 1:52 PM

To: Carson, Elizabeth (OJP) <Elizabeth.Carson@ojp.usdoj.gov>

Subject: Public Comment on NPSP Coronavirus Supplement from John Jay Economics: Stimulus Payments

Dear Elizabeth Carson,

My colleague and I, from John Jay College/CUNY's Department of Economics, would like to suggest that you collect the available information on the topic of prisoners and stimulus payments. This may aid with understanding the aggregate impact of the stimulus payments on prisoners, as well as procedural matters pertaining to the success of the delivery of the payments. Below is an example of the types of questions you might consider, which might be adjusted to account for multiple rounds of stimulus payments.

1. How many prisoners mailed a 1040 form to apply for stimulus payment eligibility?
2. Did your facility receive prisoner stimulus checks?
 - o If so, when?
 - o Did you:
 - A) deposit them into individual prisoner commissary accounts
 - After deductions for a prisoner's debts, eg. restitution, fees, etc., what percentage of each stimulus check was deposited into a prisoner's commissary account, on average?
 - B) deliver them to prisoners and their families through another method
 - How?
 - After deductions for a prisoner's debts, eg. restitution, fees, etc., what percentage of each stimulus check was delivered, on average?
 - C) turn them away for procedural reasons
 - What were these procedural reasons?

Thank you for your important work. Please feel free to reach out to us with any thoughts or questions.

Best,

Appendix E:

NPS-CPan 30-day Federal Register Notice

aboriginal land of The Chickasaw Nation.

- Pursuant to 43 CFR 10.11(c)(1)(ii), the disposition of the human remains may be to The Chickasaw Nation.

- Pursuant to 43 CFR 10.11(c)(4), the Tennessee Valley Authority has agreed to transfer control of the associated funerary objects to The Chickasaw Nation.

Additional Requestors and Disposition

Representatives of any Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville, TN 37902-1401, telephone (865) 632-7458, email tomaher@tva.gov, by March 11, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Chickasaw Nation may proceed.

The Tennessee Valley Authority is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: January 15, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021-02609 Filed 2-8-21; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0031402;
PPWOCRADN0-PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Buffalo History Museum, Buffalo, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Buffalo History Museum (previously known as the Buffalo Historical Society), in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural item listed in this notice meets the definition of cultural patrimony. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request to the Buffalo History Museum. If no additional claimants come forward, transfer of control of the cultural item to the lineal descendants,

Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to the Buffalo History Museum at the address in this notice by March 11, 2021.

ADDRESSES: Walter Mayer, Sr. Director of Collections, Buffalo History Museum, 1 Museum Court, Buffalo, NY 14216, telephone (716) 873-9644 Ext. 402, email wmayer@buffalohistory.org.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item under the control of the Buffalo History Museum, Buffalo, NY, that meets the definition of cultural patrimony under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural item. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item

In 1898, the Buffalo Historical Society (now known as The Buffalo History Museum), purchased a peace medal (commonly known as the Red Jacket Peace Medal) that was once owned by the Seneca chief and orator Red Jacket, a member of the Wolf Clan. The peace medal was presented to Red Jacket by President Washington in Philadelphia, in 1792, when representatives of the Six Nations of the Iroquois Confederacy had gathered, at President Washington's request, to discuss future relationships between the United States and the Six Nations. Upon Red Jacket's death, the medal passed to his nephew, James Johnson. When Johnson died, the medal passed to Ely S. Parker. Parker was the last Seneca to have possession of the medal. In 1898, the Society purchased the medal from Ely S. Parker's widow, Minnie Parker.

Based on consultation with the Seneca Nation of Indians, the Buffalo Historical Society has determined that, as the Red Jacket Peace Medal was gifted as a symbol of peace, friendship, and enduring relationship between the

United States and the Seneca Nation, it is an object of cultural patrimony.

Determinations Made by the Buffalo History Museum

Officials of the Buffalo History Museum have determined that:

- Pursuant to 25 U.S.C. 3001(3)(D), the one cultural item described above has ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.

- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the object of cultural patrimony and the Seneca Nation of Indians (previously listed as Seneca Nation of New York).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to Walter Mayer, Sr. Director of Museum Collections, Buffalo History Museum, 1 Museum Court, Buffalo, NY 14216, telephone (716) 873-9644 Ext. 402, email wmayer@buffalohistory.org, by March 11, 2021. After that date, if no additional claimants have come forward, transfer of control of the object of cultural patrimony to the Seneca Nation of Indians (previously listed as Seneca Nation of New York) may proceed.

The Buffalo History Museum is responsible for notifying the Seneca Nation of Indians (previously listed as Seneca Nation of New York) that this notice has been published.

Dated: January 15, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021-02611 Filed 2-8-21; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF JUSTICE

[OMB No. 1121-NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection: National Prisoner Statistics Program: Coronavirus Pandemic Supplement

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs,

Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until March 11, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New collection.

(2) *The Title of the Form/Collection:* National Prisoner Statistics program: Coronavirus Pandemic Supplement (NPS–CPan).

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is NPS–CPan. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Respondents will be staff from state departments of correction and the Federal Bureau of Prisons. The NPS–CPan survey will request information on the prison response to the coronavirus disease (COVID–19) between March 1, 2020 and February 28, 2021, including: Monthly counts of admissions and stock populations in all publicly and privately operated facilities within each state, the total number of persons who received expedited release from prison due to the COVID–19 pandemic and criteria for deciding which prisoners received expedited release, the number of tests performed on prisoners, the number of unique prisoners testing positive for COVID–19, the sex and race/Hispanic origin distributions of prisoners testing positive for COVID–19, the age, sex, and race/Hispanic origin of prisoners dying from COVID–19, the number of pregnant female prisoners who died from COVID–19, the date of first vaccination of either staff or prisoners by the department of corrections, the number of staff and prisoners receiving at least one dose of the COVID–19 vaccine as of February 28, 2021, the number of prison staff who tested positive for or died from COVID–19, and policy questions on the use of common mitigation tactics in facilities to identify persons with the disease and prevent its spread, and to prioritize vaccinations.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* BJS estimates that responding to the NPS–CPan survey will require an average of 2.5 hours, based on feedback from respondents to a cognitive test of the data collection.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There is an estimated 127.5 total burden hours associated with this collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: February 4, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–02663 Filed 2–8–21; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Information Collection Activities; Comment Request

AGENCY: Bureau of Labor Statistics, Department of Labor.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed extension of the “*Local Area Unemployment Statistics (LAUS) Program*”. A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section of this notice on or before April 12, 2021.

ADDRESSES: Send comments to Carol Rowan, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue NE, Washington, DC 20212. Written comments also may be transmitted by email to BLS_PRA_Public@bls.gov.

FOR FURTHER INFORMATION CONTACT: Carol Rowan, BLS Clearance Officer, at 202–691–7628 (this is not a toll free number). (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

The BLS has been charged by Congress (29 U.S.C. Sections 1 and 2) with the responsibility of collecting and publishing monthly information on employment, the average wage received, and the hours worked by area and industry. The process for developing residency-based employment and unemployment estimates is a cooperative Federal-State program which uses employment and

Appendix F:

Bureau of Justice Statistics data protection guidelines



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Washington, D.C. 20531

BUREAU OF JUSTICE STATISTICS DATA PROTECTION GUIDELINES

OVERVIEW

The Bureau of Justice Statistics (BJS) is a federal statistical agency¹ and the nation’s primary source for criminal justice data.² 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.³ 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\(b\)](#).

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

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

³ 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.

Further, under 34 U.S.C. § 10231(a), no officer or employee of the federal government, including BJS employees or its data collection agents,⁴ 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 person⁵ 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.”⁶ 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.

⁴ 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).

⁵ 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).

⁶ 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.⁷ 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.”⁸

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](#).⁹ 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

⁷ 5 U.S.C. § 552b(b)(5).

⁸ 5 U.S.C. § 552b(b)(7).

⁹ 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.

Program¹⁰ and the [DOJ IT Security Rules of Behavior \(ROB\) for General Users](#)¹¹ 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

¹⁰ 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.

¹¹ 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.”¹² 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.¹³

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*¹⁴ 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.

¹² 34 U.S.C. § 10132(c)(10).

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

¹⁴ 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.¹⁵ 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.¹⁶ 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.¹⁷ The JSOC shall then report confirmed major incidents within one hour to the United States Computer Emergency Readiness Team (US-CERT)

¹⁵ 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.

¹⁶ 28 C.F.R. § 22.25.

¹⁷ 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.¹⁸ 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 practices¹⁹ 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

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

¹⁹ The *BJS Statistical Principles and Practices* were informed by *Principles and Practices for a Federal Statistical Agency*, 5th 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 G:

Survey introduction letter from BJS to state and federal departments of corrections directors



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Washington, DC 20531

<<DATE>>

<<Name>>

<<Agency>>

<<Address>>

<<City>>

<<State, zip >>

Dear _____:

I am writing to request your participation in a special Bureau of Justice Statistics (BJS) data collection on the impacts of the coronavirus pandemic on state and federal prisons. Through its National Prisoner Statistics (NPS-1B) collection, BJS has tracked the size and composition of the state and federal prison populations since 1926. The coronavirus pandemic has led to changes in the patterns of admissions, releases, and custody populations. Such changes are occurring too rapidly to track through an annual collection of data, so BJS is administering a supplement to its NPS-1B survey respondents to obtain this information.

The National Prisoner Statistics – Coronavirus Pandemic (NPS-CPan) survey asks questions about your jurisdiction’s prison population, positive coronavirus cases and deaths in prisoners and staff members, and policies implemented in your system to mitigate spread of the virus. While non-governmental organizations are currently collecting some of this information, the NPS-CPan survey will use standardized definitions to produce national statistics and allow for comparisons between jurisdictions. Further, these statistics will fill an existing gap in information on age and race and Hispanic origin of prisoners affected by the coronavirus.

BJS will publish national and state-level summary counts from the data collected before the end of 2021. I request your agency’s support in providing BJS these data, if possible, by **June 14, 2021**. Without your assistance, BJS would not be able to provide comprehensive and accurate statistics on the effects of the coronavirus on the state and federal prison populations.

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. 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).

BJS is carbon copying your state's NPS-1B respondent <<NPS RESPONDENT NAME>> on this request. If BJS should direct this request to someone else, or you have any questions about the NPS-CPan survey, please feel free to contact the BJS NPS-CPan program manager, Ann Carson, at (202) 616-3496 or elizabeth.carson@ojp.usdoj.gov, or BJS's data collection agent's project director, Tom Rich of Abt Associates, at (617) 349-2753 or Tom_Rich@abtassoc.com.

Sincerely,

Jinney Smith
Deputy Director, Statistical Operations

Appendix H:

BJS email to non-responding departments of corrections

Subject: National Prisoner Statistics program – Coronavirus Pandemic survey– Please Respond

Dear <<Salutation>> <<ContactLastName>>:

Our records show that as of June 1, 2021, your agency has not yet submitted BJS's National Prisoner Statistics program – Coronavirus Pandemic (NPS-CPan) survey. As a reminder, we are requesting that departments of corrections submit data by **June 14, 2021**. If you have already submitted your data, please disregard this email.

I know that you have many responsibilities and that your agency has been impacted by the global health crisis we are currently facing. Please reach out to me or to our data collection agent, Abt Associates, to discuss options for reporting if you expect substantial delays in your ability to complete the NPS-CPan. You can contact me at elizabeth.carson@usdoj.gov or 314/229.1139, or Tom Rich from Abt Associates at tom_rich@abtassoc.com or 617/349.2753.

To submit your data, you can email the form to me or Tom Rich at our email addresses (above), fax it to Tom Rich at 617/218.4500, or mail a copy of it through the US Postal Service to:

Abt Associates
National Prisoner Statistics Survey
10 Fawcett Street
Cambridge, MA 02138

Please do not hesitate to reach out to me if you have any questions. BJS thanks you in advance for your participation and look forward to our continued work together.

Sincerely,



E. Ann Carson
Corrections Unit

Appendix I:

Survey instrument used in NPS-CPan cognitive test

**RETURN
TO**

Abt Associates
National Prisoner Statistics
Survey
10 Fawcett Street Cambridge,
MA 02138

FORM
 (7-31-2020)

**2020 Departments of
 Corrections COVID-19
 Special Data Collection**

U.S. DEPARTMENT OF JUSTICE
 BUREAU OF JUSTICE STATISTICS
 and ACTING AS COLLECTING AGENT
 ABT ASSOCIATES INC.

DATA SUPPLIED BY

NAME					Title		
TELEPHONE	Area Code	Number	Extension	FAX NUMBER	Area Code	Number	E-MAIL ADDRESS

GENERAL INFORMATION

- If you have any questions, contact the **Abt Associates Project Director, Tom Rich (617-349-2753 or tom_rich@abtassoc.com)** or the **BJS Program Manager, E. Ann Carson (202-616-3496 or elizabeth.carson@ojp.usdoj.gov)**.
- Please complete the questionnaire before **October 31, 2020** by emailing a scanned copy of the form to **tom_rich@abtassoc.com**, by mailing the completed form to **Abt Associates** at the address above, or by FAXing all pages to 1-617-218-4500.
- Please retain a copy of the completed form for your records.

What types of inmates are included?

Inmates in your custody AND inmates held in privately-operated or contract facilities between January 1, 2020 and August 31, 2020

- INCLUDE inmates physically held in your prison facilities (e.g., 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).
- INCLUDE inmates who are temporarily absent (less than 30 days), out to court, or on work release.
- INCLUDE inmates physically held in private or contract prison facilities in your state.
- INCLUDE inmates held in *your* facilities who are serving a sentence for your jurisdiction and another jurisdiction at the same time.
- INCLUDE inmates held in *your* facilities for another jurisdiction.
- EXCLUDE inmates held in local jails and state-operated or private facilities located in other jurisdictions.

Definitions

Coronavirus - Refers to *coronavirus disease* (COVID-19) and the virus causing the disease, *severe acute respiratory syndrome coronavirus 2*, (SARS-CoV-2).

TEST - Refers to the viral or PCR test for COVID-19. Do not count serology or antibody tests for COVID-19.

ANTIBODY TEST - Serology test to detect antibodies produced in response to COVID-19. Do not count viral or PCR tests for COVID-19 as antibody or serology tests.

CONFIRMED COVID-19 DEATH - A death where COVID-19 was the single cause of death, or one of the contributing causes, as determined by a positive viral COVID-19 test prior to or after death.

SUSPECTED COVID-19 DEATH - A death where COVID-19 was thought to be the single cause of death, or one of the contributing causes based on physical symptoms consistent with the disease, but with no associated positive viral test before or after death.

BURDEN STATEMENT

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this collection of information, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, Washington, DC 20531; and to the Office of Management and Budget, OMB No. 1121-XXX, Washington, DC 20503.

1. Between January 2020 and August 2020, how many persons were IN THE CUSTODY OF and ADMITTED to your state-operated and private prison facilities?

- ✓ *INCLUDE all types of admissions to your prison system, for sentences of any length or any total time served.*
- X *EXCLUDE prisoners under your jurisdiction held in local jails or in out-of-state prison facilities.*

IN CUSTODY ON--		ADMITTED DURING THE ENTIRE MONTH OF--	
Jan. 31	<input type="text"/>	January	<input type="text"/>
Feb. 29	<input type="text"/>	February	<input type="text"/>
Mar. 31	<input type="text"/>	March	<input type="text"/>
Apr. 30	<input type="text"/>	April	<input type="text"/>
May 31	<input type="text"/>	May	<input type="text"/>
Jun. 30	<input type="text"/>	June	<input type="text"/>
Jul. 31	<input type="text"/>	July	<input type="text"/>
Aug. 31	<input type="text"/>	August	<input type="text"/>

2. Between January 2020 and August 2020, how many prisoners in the custody of your state-operated and in private prison facilities ----

a. Were RELEASED?

- ✓ *INCLUDE all persons released for any reason.*
- X *EXCLUDE prisoners under your jurisdiction held in local jails or in out-of-state prison facilities.*

b. Received EXPEDITED RELEASE in response to the coronavirus pandemic?

- ✓ *INCLUDE releases in order to limit prisoner risk and exposure, or due to coronavirus related understaffing, court orders, legislative mandate, etc.*
- X *EXCLUDE prisoners under your jurisdiction held in local jails or in out-of-state prison facilities.*

3. Of those who received EXPEDITED RELEASE (item 2b), what were the criteria that your state used to determine who should be released early? (please check yes or no for each)

Criteria	Yes	No
Risk-assessment score	<input type="checkbox"/>	<input type="checkbox"/>
Time left on sentence	<input type="checkbox"/>	<input type="checkbox"/>
Only non-violent offenders	<input type="checkbox"/>	<input type="checkbox"/>
Only non-violent offenders with no violent priors	<input type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input type="checkbox"/>
Health status	<input type="checkbox"/>	<input type="checkbox"/>
Positive viral test for coronavirus	<input type="checkbox"/>	<input type="checkbox"/>
Verified post-prison housing in community	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>

4. Between March 1, 2020 and August 31, 2020 ----

a. How many coronavirus TESTS ① did your state administer to prisoners in the custody of your state-operated or in private prison facilities?

- ① *Coronavirus test refers to the viral test for COVID-19. Do not count serology tests (also known as antibody tests).*
- ✓ *INCLUDE prisoners tested either on or off facility grounds (e.g. at hospitals, medical centers, private labs, intake centers, or other health vendors).*
- X *EXCLUDE prisoners under your jurisdiction held in local jails or out-of-state prison facilities.*

b. Of the tests in item 4a, how many TESTS were POSITIVE?

c. Individuals may test positive for coronavirus multiple times. Between March 1, 2020 and August 31, 2020, how many UNIQUE PRISONERS ① in the custody of your state-operated or in private prison facilities tested positive AT LEAST ONE TIME?

- ① *Multiple positive test results for the same individual should be counted only once.*
- X *EXCLUDE prisoners under your jurisdiction held in local jails or out-of-state prison facilities.*
- X *EXCLUDE antibody or serology test results.*

d. Of those PRISONERS who tested positive for coronavirus (item 4c), how many were---

White , <i>not of Hispanic origin</i>	<input type="text"/>
Black , <i>not of Hispanic origin</i>	<input type="text"/>
Hispanic or Latino	<input type="text"/>
American Indian or Alaska Native , <i>not of Hispanic origin</i>	<input type="text"/>
Asian , <i>not of Hispanic origin</i>	<input type="text"/>
Native Hawaiian or Pacific Islander , <i>not of Hispanic origin</i>	<input type="text"/>
Two or more races , <i>not of Hispanic origin</i>	<input type="text"/>
Other racial category , <i>not of Hispanic origin</i>	<input type="text"/>
Unknown racial category , <i>not of Hispanic origin</i>	<input type="text"/>
TOTAL (<i>Sum should equal Item 4c</i>)	<input type="text"/>

e. Of those PRISONERS who tested positive for coronavirus (item 4c), how many were ages---

Under 30 years	<input type="text"/>
30 – 39 years	<input type="text"/>
40 – 49 years	<input type="text"/>
50 – 54 years	<input type="text"/>
55 – 59 years	<input type="text"/>
60 – 64 years	<input type="text"/>
65 – 69 years	<input type="text"/>
70 – 74 years	<input type="text"/>
75 years or older	<input type="text"/>
TOTAL (Sum should equal item 4c)	<input type="text"/>

f. Of those unique PRISONERS who tested positive for coronavirus (item 4c), how many were serving time in a community corrections facility ①?

① Defined as a facility where 50% or more of prisoners are regularly permitted to leave the facility unaccompanied to work release, study release, rehabilitation

5. Between March 1, 2020 and August 31, 2020 ----

a. How many UNIQUE PRISONERS ① in the CUSTODY of your state-operated and in private prison facilities received at least one antibody or serology test for the coronavirus?

- ① Prisoners who received more than one antibody or serology test should only be counted once.
- ✓ INCLUDE prisoners tested either on or off facility grounds (e.g. at hospitals, medical centers, private labs, intake centers, or other health vendors).
- X EXCLUDE prisoners under your jurisdiction held in local jails or out-of-state prison facilities.
- X EXCLUDE COVID-19 viral test results.

b. Of those who received antibody or serology tests (item 5a), how many UNIQUE PRISONERS ① had at least one POSITIVE antibody or serology test result for the coronavirus?

- ① Multiple positive test results for the same individual should be counted only once.
- X EXCLUDE prisoners under your jurisdiction held in local jails or out-of-state prison facilities.

6. Between March 1, 2020 and August 31, 2020, how many PRISONERS DIED from the coronavirus while in the custody of your state-operated and in private prison facilities?

INCLUDE all deaths from coronavirus of prisoners---

- ✓ *IN CUSTODY of your state-operated and private prison facilities.*
- ✓ *WHILE IN-TRANSIT to an external medical facility or other prison facility.*
- ✓ *UNDER YOUR JURISDICTION but being treated at an external medical facility*
- ✓ *Regardless of where and when the prisoner contracted COVID-19.*

EXCLUDE deaths of prisoners under your jurisdiction, but who died in local jails or out-of-state prison facilities.

a. TOTAL deaths ⓘ from coronavirus

ⓘ *Deaths where coronavirus was the cause of death OR a significant contributor to the death.*

Total	Males	Females
<input type="text"/>	<input type="text"/>	<input type="text"/>

b. CONFIRMED deaths ⓘ from coronavirus

ⓘ *Deaths where coronavirus was the cause of death OR a significant contributor to the death as determined by a positive viral test for coronavirus before or after death.*

Total	Males	Females
<input type="text"/>	<input type="text"/>	<input type="text"/>

c. SUSPECTED deaths ⓘ from coronavirus

ⓘ *Deaths where coronavirus was the cause of death OR a significant contributor to the death, based on the prisoner having symptoms of coronavirus, but no positive viral test for coronavirus before or after death.*

Total	Males	Females
<input type="text"/>	<input type="text"/>	<input type="text"/>

d. How many of the total deaths (item 6a TOTAL) were based on a medical examiner's or coroner's evaluation (such as an autopsy, postmortem exam, or review of medical records)?

e. Of those prisoners who DIED from coronavirus (items 6a-c), how many were---

	TOTAL coronavirus deaths (6a)	CONFIRMED coronavirus deaths only (6b)	SUSPECTED coronavirus deaths only (6c)
White, not of Hispanic origin			
Black, not of Hispanic origin			
Hispanic or Latino			
American Indian or Alaska Native, not of Hispanic origin			
Asian, not of Hispanic origin			
Native Hawaiian or Pacific Islander, not of Hispanic origin			
Two or more races, not of Hispanic origin			
Other racial category, not of Hispanic origin			
Unknown racial category, not of Hispanic origin			
TOTAL			

f. Of those prisoners who DIED from coronavirus (items 6a-c), how many were ages--

	TOTAL coronavirus deaths (6a)	CONFIRMED coronavirus deaths only (6b)	SUSPECTED coronavirus deaths only (6c)
Under 30 years			
30 – 39 years			
40 – 49 years			
50 – 54 years			
55 – 59 years			
60 – 64 years			
65 – 69 years			
70 – 74 years			
75 years or older			
TOTAL			

7. Between March 1, 2020 and August 31, 2020, how many PRISONERS from your state-operated or private prison facilities were HOSPITALIZED FOR AT LEAST ONE NIGHT for coronavirus confirmed by a positive viral coronavirus test ---

a. In an on-site prison medical facility or clinic?

b. In an off-site community medical facility or clinic?

8. Between March 1, 2020 and August 31, 2020, how many STAFF employed in your state-operated or private prison facilities----

a. Tested POSITIVE for the coronavirus at least once?

- ✓ INCLUDE any positive viral coronavirus test, regardless of where it was administered.
- X EXCLUDE antibody or serology tests.

b. DIED ⓘ from the coronavirus?

- ⓘ All deaths where coronavirus was the cause of death OR a significant contributor to the death, regardless of where and when the staff member contracted coronavirus

c. Were CONFIRMED deaths ⓘ from coronavirus

- ⓘ Deaths where coronavirus was the cause of death OR a significant contributor to the death as determined by a positive viral test for coronavirus before or after death.

d. Were SUSPECTED deaths ⓘ from coronavirus

- ⓘ Deaths where coronavirus was the cause of death OR a significant contributor to the death, based on the staff member having symptoms of coronavirus, but no positive viral test for coronavirus before or after death.

e. How many of the total deaths of staff members (item 8b) were based on a medical examiner's or coroner's evaluation (such as an autopsy, postmortem exam, or review of medical records)

9. At any time between March 1, 2020 and August 31, 2020, did your department of corrections implement any of the following mitigation tactics in response to the coronavirus pandemic in its state-operated and private correctional facilities?

	In no facilities	In some facilities	In all facilities	Unknown
Testing of all new prisoners at admission (not incl. antibody tests)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Automatic quarantine of new admissions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lockdown of prisoners in cells	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Suspension of transfers between prison or local facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Suspension of educational programs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Suspension of drug and alcohol treatment programs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Suspension of prison labor programs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Suspension of in-person family visitation to prisoners	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Suspension of in-person legal visitation to prisoners	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Daily temperature checks for prisoners	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Temperature checks for staff at beginning of each shift	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Isolation/quarantine of symptomatic prisoners	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Enforced sick or administrative leave for symptomatic staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provision of hand sanitizer to prisoners	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provision of face masks to prisoners	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provision of face masks or gloves to staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Testing of prisoners before release (not incl. antibody tests)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Antibody testing of staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Antibody testing of prisoners	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Appendix J:

Telephone script used in NPS-CPan cognitive test

(PRIOR TO THE INTERVIEW, CHECK NPS FOR WHETHER THEY HAVE ANY PRIVATE PRISONS.)

THANK YOU FOR AGREEING TO PARTICIPATE IN THIS COGNITIVE TEST OF QUESTIONS FOR A SURVEY OF THE DEPARTMENTS OF CORRECTIONS ON THE CURRENT CORONAVIRUS SITUATION IN PRISONS. THE GOAL OF THIS COGNITIVE TEST IS TO IMPROVE OUR QUESTIONS IN THE FINAL SURVEY BY BETTER UNDERSTANDING HOW YOU INTERPRET THEM AND WHETHER YOU WOULD BE ABLE TO ANSWER THEM. IF AT ANY TIME YOU FEEL THE NEED TO ASK FOR CLARIFICATION OR WANT TO MAKE ADDITIONAL COMMENTS ABOUT A QUESTION, PLEASE FEEL FREE TO SPEAK UP.

Question 1: PLEASE READ THE FIRST QUESTION AND THE INSTRUCTIONS. (Let respondent read the question and instructions - Between January 2020 and August 2020, how many persons were IN THE CUSTODY OF and ADMITTED TO your state-operated and private prison facilities?)

- CAN YOU GIVE MONTHLY CUSTODY AND ADMISSION COUNTS? IS THIS SOMETHING THAT YOU HAVE AVAILABLE TO YOU IMMEDIATELY?
- DO YOU UNDERSTAND THAT ALL TYPES OF ADMISSIONS FOR ANY SENTENCES OR TIME SERVED, ARE BEING ASKED HERE?
- DO YOU UNDERSTAND THAT THIS QUESTION EXCLUDES PERSONS UNDER YOUR JURISDICTION SERVING TIME IN LOCAL JAILS AND HELD OUT-OF-STATE? IS IT DIFFICULT TO BREAK DOWN YOUR POPULATION THIS WAY?
- [For states with private prisons] IS THIS INFORMATION MORE DIFFICULT TO PROVIDE FOR PRIVATELY RUN FACILITIES?
- [For Rhode Island only] DO YOU UNDERSTAND THAT WE WANT YOU TO REPORT ANY ADMISSIONS, EVEN OF PERSONS WHO ARE UNSENTENCED?
- [For Rhode Island only] DO YOU UNDERSTAND THAT WE WANT YOU TO INCLUDE YOUR ENTIRE UNIFIED SYSTEM FACILITIES IN THIS COUNT?

OVERALL, HOW LONG DO YOU THINK IT WILL TAKE TO ANSWER THIS ENTIRE QUESTION?

Question 2: PLEASE READ THE SECOND QUESTION AND INSTRUCTIONS. (Let respondent read the question and instructions -Between January 2020 and August 2020, how many prisoners in the custody of your state-operated and in private prison facilities-----)

- a. (Were released?)
 - IS IT EASY TO GET THE TOTAL NUMBER OF RELEASES FOR 8 MONTHS? WOULD IT BE LESS BURDENSOME IF WE ASKED FOR MONTHLY COUNTS OF RELEASES?
 - DO YOU UNDERSTAND THAT WE WANT ALL TYPES OF RELEASES, REGARDLESS OF HOW LONG THE PERSON HAS BEEN HELD?
 - [For states with private prisons] IS THIS INFORMATION MORE DIFFICULT TO PROVIDE FOR PRIVATELY RUN FACILITIES?
- b. (Received expedited release in response to the coronavirus pandemic?)
 - WHAT DO YOU THINK WE MEAN BY "CORONAVIRUS PANDEMIC"? *We are referring to the COVID-19 virus that is currently circulating in the United States*
 - WHAT DO YOU THINK WE MEAN BY "EXPEDITED RELEASE"? *Any release that happened ahead of schedule due to impending or actual risk from the coronavirus, ordered by any state government entity with the authorization to do so, or due to understaffing owing to coronavirus-affected staff.*

- IS IT EASY TO GET THE TOTAL NUMBER OF EXPEDITED RELEASES FOR 8 MONTHS? WOULD IT BE LESS BURDENSOME IF WE ASKED FOR MONTHLY COUNTS OF EXPEDITED RELEASES?
- [For states with private prisons] IS THIS INFORMATION MORE DIFFICULT TO PROVIDE FOR PRIVATELY RUN FACILITIES?

OVERALL, HOW LONG DO YOU THINK IT WILL TAKE TO ANSWER THIS ENTIRE QUESTION?

Question 3: PLEASE READ QUESTION 3 AND INSTRUCTIONS. (Let respondent read the question and instructions -Of those who received expedited release (item 2b), what were the criteria that your state used to determine who should be released early?)

- LOOKING THROUGH THIS LIST, ARE THERE ANY OPTIONS YOU DO NOT UNDERSTAND?
- ARE YOU ABLE TO ANSWER THE DETAILED QUESTION FOR MAXIMUM TIME LEFT ON SENTENCE?
- ARE YOU ABLE TO ANSWER THE DETAILED QUESTION FOR MINIMUM AGE?
- WHAT DO YOU THINK WE MEAN BY “VERIFIED POST-PRISON HOUSING IN THE COMMUNITY”?
We mean that the DOC has verified the prisoner has a residence where they will live once they are released.
- ARE THERE ANY OTHER CRITERIA THAT YOUR STATE USES TO DECIDE ON EXPEDITED RELEASE?

OVERALL, HOW LONG DO YOU THINK IT WILL TAKE TO ANSWER THIS ENTIRE QUESTION?

Question 4: PLEASE READ QUESTION 4A AND INSTRUCTIONS. (Let respondent read the question and instructions -Between March 1, 2020 and August 31, 2020-----

a. How many coronavirus tests did your state administer to prisoners in the custody of your state-operated or in private prison facilities?)

- DO YOU THINK WE ARE ASKING ABOUT THE TOTAL NUMBER OF TESTS OR PRISONERS WHO WERE TESTED IN THIS QUESTION? *Tests*
- DO YOU UNDERSTAND THAT THIS IS ASKING ABOUT PCR OR VIRAL TESTS FOR CORONAVIRUS, AND NOT ANTIBODY OR SEROLOGY TESTS?
- [For states with private prisons] ARE YOU ABLE TO GET A COUNT OF TESTS THAT WERE DONE IN BOTH STATE-OPERATED AND PRIVATE FACILITIES, OR DO YOU JUST KNOW THOSE IN YOUR STATE-OPERATED FACILITIES?
- HOW HARD IS IT TO GET THE TOTAL NUMBER OF VIRAL TESTS GIVEN OVER THE 6 MONTH PERIOD?
- HOW LONG WOULD IT TAKE YOU TO ANSWER THIS, OR WOULD YOU NEED TO GO TO SOMEONE ELSE (E.G. MEDICAL DIRECTOR) TO ANSWER IT?
- DID YOU NOTICE THE CHANGE IN THE REFERENCE PERIOD (FROM JANUARY TO MARCH)? IS THIS CONFUSING?

b. PLEASE READ QUESTION 4B. (Of the tests in item 4a, how many tests were positive?)

- DO YOU THINK WE ARE ASKING ABOUT THE TOTAL NUMBER OF TESTS OR PRISONERS WHO WERE TESTED IN THIS QUESTION? *Tests*
- DO YOU UNDERSTAND THAT PEOPLE CAN TEST POSITIVE MULTIPLE TIMES, AND THAT WE ARE INTERESTED IN THE TOTAL NUMBER OF POSITIVE TESTS, NOT INDIVIDUAL PEOPLE?
- [For states with private prisons] ARE YOU ABLE TO GET A COUNT OF POSITIVE TESTS THAT WERE DONE IN BOTH STATE-OPERATED AND PRIVATE FACILITIES, OR DO YOU JUST KNOW THOSE IN YOUR STATE-OPERATED FACILITIES?

- c. PLEASE READ QUESTION 4C AND INSTRUCTIONS. (Between March 1, 2020 and August 31, 2020, how many unique prisoners in the custody of your state-operated or in private prison facilities tested positive at least once?)
- DO YOU UNDERSTAND THAT WE WANT MULTIPLE POSITIVE TESTS TO ONLY BE COUNTED ONCE FOR EACH INDIVIDUAL?
 - [For states with private prisons] ARE YOU ABLE TO GET A COUNT OF PRISONERS WHO TESTED POSITIVE IN BOTH STATE-OPERATED AND PRIVATE FACILITIES, OR DO YOU JUST KNOW THOSE IN YOUR STATE-OPERATED FACILITIES?
 - IS IT DIFFICULT TO GET A COUNT OF UNIQUE PRISONERS WHO TESTED POSITIVE, OR IS THAT INFORMATION READILY AVAILABLE TO YOU?
- d. PLEASE READ QUESTION 4D. (Of those prisoners who tested positive for coronavirus (item 4c), how many were (race table)?)
- ARE YOU ABLE TO BREAK THE COUNT OF UNIQUE PRISONERS DOWN BY RACE AND ETHNICITY? DO YOU HAVE THIS INFORMATION READILY AVAILABLE, AND IF NOT, HOW LONG WOULD THIS TAKE YOU?
 - [For states with private prisons] ARE YOU ABLE TO GET A COUNT OF PRISONERS WHO TESTED POSITIVE BY RACE AND ETHNICITY IN BOTH STATE-OPERATED AND PRIVATE FACILITIES, OR DO YOU JUST KNOW THOSE IN YOUR STATE-OPERATED FACILITIES?
- e. PLEASE READ QUESTION 4E. (Of those prisoners who tested positive for coronavirus (item 4c), how many were (age table)?)
- ARE YOU ABLE TO BREAK THE COUNT OF UNIQUE PRISONERS DOWN BY AGE? DO YOU HAVE THIS INFORMATION READILY AVAILABLE, AND IF NOT, HOW LONG WOULD THIS TAKE YOU?
 - [For states with private prisons] ARE YOU ABLE TO GET A COUNT OF PRISONERS WHO TESTED POSITIVE BY AGE IN BOTH STATE-OPERATED AND PRIVATE FACILITIES, OR DO YOU JUST KNOW THOSE IN YOUR STATE-OPERATED FACILITIES?
 - ARE THESE AGE CATEGORIES REASONABLE? ARE THEY THE ONES YOU USE, OR WOULD THEY REQUIRE ADDITIONAL ANALYSIS?
- F. PLEASE READ QUESTION 4F. (Of those unique prisoners who tested positive for coronavirus in 4c, how many were serving time in a community corrections facility?)
- DO YOU UNDERSTAND WHAT WE MEAN BY A COMMUNITY CORRECTIONS FACILITY?
 - ARE YOU ABLE TO EASILY BREAK OUT CORONAVIRUS POSITIVE VIRAL TESTS BY THE TYPE OF FACILITY THE PERSON IS IN (SECURE VERSUS COMMUNITY-BASED?)
 - HOW MUCH TIME WOULD IT TAKE YOU TO ANSWER 4E?
 - [For states with private prisons] IF ANY OF YOUR COMMUNITY CORRECTIONS FACILITIES ARE PRIVATELY OPERATED, CAN YOU ANSWER THIS QUESTION FOR BOTH PRIVATE AND STATE-OPERATED FACILITIES, OR ONLY FOR STATE-OPERATED FACILITIES?

OVERALL, HOW LONG DO YOU THINK IT WILL TAKE TO ANSWER THIS ENTIRE QUESTION?

Question 5: PLEASE READ QUESTION 5A AND INSTRUCTIONS. (Let respondent read the question and instructions -Between March 1, 2020 and August 31, 2020 ----)

- a. (How many unique prisoners in the custody of your state-operated and in private prison facilities received at least one antibody or serology test for the coronavirus?)
- DOES THE QUESTION MAKE IT CLEAR THAT ANTIBODY AND SEROLOGY TESTS ARE THE SAME THING?
 - DO YOU UNDERSTAND THIS QUESTION EXCLUDES VIRAL TESTS FOR CORONAVIRUS?
 - DOES YOUR DOC TRACK SEROLOGY TESTS?

- [For states with private prisons] CAN YOU REPORT ON SEROLOGY TESTS FOR BOTH STATE-OPERATED AND PRIVATE FACILITIES, OR JUST STATE-OPERATED FACILITIES?
 - DO YOU THINK WE ARE ASKING ABOUT THE TOTAL NUMBER OF TESTS OR PRISONERS WHO WERE TESTED IN THIS QUESTION? *Prisoners who were tested*
 - DO YOU UNDERSTAND THAT WE WANT MULTIPLE TESTS TO ONLY BE COUNTED ONCE FOR EACH INDIVIDUAL?
- b. PLEASE READ QUESTION 5A AND INSTRUCTIONS. (Of those who received antibody or serology tests (item 5a) how many unique prisoners had at least one positive antibody or serology test result for the coronavirus?)
- DO YOU UNDERSTAND THAT WE WANT MULTIPLE POSITIVE TESTS TO ONLY BE COUNTED ONCE FOR EACH INDIVIDUAL?
 - [For states with private prisons] CAN YOU REPORT ON SEROLOGY TEST RESULTS FOR BOTH STATE-OPERATED AND PRIVATE FACILITIES, OR JUST STATE-OPERATED FACILITIES?
- OVERALL, HOW LONG DO YOU THINK IT WILL TAKE TO ANSWER THIS ENTIRE QUESTION?**

6. PLEASE READ QUESTION 6A AND INSTRUCTIONS. (Let respondent read the question and instructions - Between March 1, 2020 and August 31, 2020, how many prisoners died from the coronavirus while in the custody of you state-operated and in private prison facilities?)

- a. (Total deaths from coronavirus)
- DO YOU UNDERSTAND THAT WE WANT TO INCLUDE PRISONERS WHO DIED FROM ONLY CORONAVIRUS, AND THOSE WHO DIED OF SOME OTHER MEDICAL CONDITION, BUT CORONAVIRUS CONTRIBUTED TO THE DEATH AS A SECONDARY CAUSE?
 - CAN YOU BREAK CORONAVIRUS DEATHS DOWN BY SEX?
 - [For states with private prisons] CAN YOU REPORT DEATHS FOR STATE-OPERATED AND PRIVATE PRISON FACILITIES, OR JUST FOR STATE-OPERATED FACILITIES?
- b. PLEASE READ QUESTION 6B AND INSTRUCTIONS (Confirmed deaths from coronavirus)
- WHAT DO WE MEAN BY “CONFIRMED”? *Prisoner had a positive viral test for coronavirus before or after death*
 - CAN YOU BREAK YOUR CORONAVIRUS DEATHS DOWN BASED ON WHETHER OR NOT THE DECEDENT HAD A POSITIVE VIRAL TEST OR NOT?
 - DO YOU HAVE THIS INFORMATION IMMEDIATELY AVAILABLE, OR DO YOU NEED TO SPEAK TO ANOTHER PERSON (E.G. MEDICAL DIRECTOR)?
 - DO YOU UNDERSTAND THAT WE WANT TO INCLUDE PRISONERS WHO WERE CONFIRMED TO HAVE CORONAVIRUS AND DIED FROM ONLY CORONAVIRUS, AS WELL AS THOSE WHO DIED SOME OF OTHER MEDICAL CONDITION, BUT WERE CONFIRMED TO HAVE CORONAVIRUS AND COVID-19 CONTRIBUTED TO THE DEATH AS A SECONDARY CAUSE?
 - DO YOU UNDERSTAND THE DISTINCTION BETWEEN THIS QUESTION AND QUESTION 6A? *6a may include cases where coronavirus was suspected but not confirmed.*
- c. PLEASE READ QUESTION 6C AND INSTRUCTIONS (Suspected deaths from coronavirus)
- WHAT DO WE MEAN BY “SUSPECTED”? *Prisoner did NOT have a positive viral test for coronavirus before or after death, but prisoner had symptoms of COVID-19.*
 - DO YOU HAVE THIS INFORMATION IMMEDIATELY AVAILABLE, OR DO YOU NEED TO SPEAK TO ANOTHER PERSON (E.G. MEDICAL DIRECTOR)?
 - DO YOU UNDERSTAND THAT WE WANT TO INCLUDE PRISONERS WHO WERE SUSPECTED TO HAVE DIED FROM ONLY CORONAVIRUS, AND THOSE WHO DIED OF

SOME OTHER MEDICAL CONDITION, BUT CORONAVIRUS WAS SUSPECTED TO CONTRIBUTE TO THE DEATH AS A SECONDARY CAUSE?

- DO YOU UNDERSTAND THE DISTINCTION BETWEEN THIS QUESTION AND QUESTION 6B?
6a may include cases where coronavirus was suspected but not confirmed.
- d. PLEASE READ QUESTION 6D (How many of the total deaths (item 6a TOTAL) were based on a medical examiner's or coroner's evaluation (such as an autopsy, postmortem exam, or review of medical records)?)
- DO YOU HAVE THIS INFORMATION IMMEDIATELY AVAILABLE, OR DO YOU NEED TO OBTAIN THIS INFORMATION FROM ANOTHER OFFICE (E.G. MEDICAL DIRECTOR'S OFFICE)?
- e. PLEASE READ QUESTION 6E (Of those prisoners who died from coronavirus (items 6a-c) how many were---[race table]?)
- ARE YOU ABLE TO BREAK THE COUNT OF TOTAL DEATHS DOWN BY RACE AND ETHNICITY? DO YOU HAVE THIS INFORMATION READILY AVAILABLE, AND IF NOT, HOW LONG WOULD THIS TAKE YOU?
 - ARE YOU ABLE TO BREAK THE COUNT OF CONFIRMED AND SUSPECTED DEATHS DOWN BY RACE AND ETHNICITY? DO YOU HAVE THIS INFORMATION READILY AVAILABLE, AND IF NOT, HOW LONG WOULD THIS TAKE YOU?
 - DO YOU NEED TO TALK TO ANOTHER PERSON OR OFFICE (E.G. MEDICAL DIRECTOR) TO GET THIS INFORMATION?
- f. PLEASE READ QUESTION 6F (Of those prisoners who died from coronavirus (items 6a-c) how many were---[age table]?)
- ARE YOU ABLE TO BREAK THE COUNT OF TOTAL DEATHS DOWN BY AGE? DO YOU HAVE THIS INFORMATION READILY AVAILABLE, AND IF NOT, HOW LONG WOULD THIS TAKE YOU?
 - ARE YOU ABLE TO BREAK THE COUNT OF CONFIRMED AND SUSPECTED DEATHS DOWN BY AGE? DO YOU HAVE THIS INFORMATION READILY AVAILABLE, AND IF NOT, HOW LONG WOULD THIS TAKE YOU?
 - DO YOU NEED TO TALK TO ANOTHER PERSON OR OFFICE (E.G. MEDICAL DIRECTOR) TO GET THIS INFORMATION?
 - ARE THESE AGE CATEGORIES REASONABLE? ARE THEY THE ONES YOU USE, OR WOULD THEY REQUIRE ADDITIONAL ANALYSIS?

OVERALL, HOW LONG DO YOU THINK IT WILL TAKE TO ANSWER THIS ENTIRE QUESTION?

Question 7. PLEASE READ QUESTION 7A (Let respondent read the question and instructions - Between March 1, 2020 and August 31, 2020, how many prisoners from your state-operated or private prison facilities were hospitalized for at least one night for coronavirus confirmed by a positive viral coronavirus test----)

- a. (In an on-site prison medical facility or clinic?)
- DOES YOUR DOC TRACK HOSPITALIZATIONS OF PRISONERS FOR CORONAVIRUS?
 - IF YOU DO TRACK HOSPITALIZATIONS, CAN YOU DIFFERENTIATE BETWEEN PRISONERS WHO HAVE POSITIVE VIRAL TESTS FOR CORONAVIRUS AND THOSE WHO ONLY HAVE SYMPTOMS, BUT NO POSITIVE VIRAL TESTS?
 - DO YOU NEED TO TALK TO ANOTHER PERSON OR OFFICE (E.G. MEDICAL DIRECTOR) TO GET THIS INFORMATION?

- [For states with private prisons] CAN YOU REPORT ON-SITE OR IN-SYSTEM HOSPITALIZATIONS FOR PRISONERS IN STATE-OPERATED AND PRIVATE PRISON FACILITIES, OR JUST FOR PRISONERS IN STATE-OPERATED FACILITIES?
- b. PLEASE READ QUESTION 7B (In an off-site community medical facility or clinic?)
- DO YOU NEED TO TALK TO ANOTHER PERSON OR OFFICE (E.G. MEDICAL DIRECTOR) TO GET THIS INFORMATION?
 - [For states with private prisons] CAN YOU REPORT COMMUNITY HOSPITALIZATIONS FOR PRISONERS IN STATE-OPERATED AND PRIVATE PRISON FACILITIES, OR JUST FOR PRISONERS IN STATE-OPERATED FACILITIES?

OVERALL, HOW LONG DO YOU THINK IT WILL TAKE TO ANSWER THIS ENTIRE QUESTION?

Question 8. PLEASE READ QUESTION 8A AND INSTRUCTIONS. (Let respondent read the question and instructions - Between March 1, 2020 and August 31, 2020, how many staff employed in your state-operated or private prison facilities----)

- a. (Tested positive for the coronavirus at least once?)
- DO YOU UNDERSTAND THAT WE ARE INTERESTED IN POSITIVE VIRAL CORONAVIRUS TESTS?
 - DOES YOUR DOC TRACK POSITIVE TESTS FOR STAFF, EVEN IF THE DOC IS NOT ADMINISTERING THEM?
 - CAN YOUR DOC BREAK DOWN STAFF WITH POSITIVE TESTS BY WHETHER THEY HAVE FACE-TO-FACE INTERACTIONS WITH PRISONERS, OR STAFF WHO WORK IN PRISON FACILITIES, VERSUS THOSE WHO WORK ON THE BUSINESS SIDE OF THE DOC (NO INTERACTIONS WITH PRISONERS)?
 - DO YOU NEED TO TALK TO ANOTHER PERSON OR OFFICE (E.G. MEDICAL DIRECTOR) TO GET THIS INFORMATION?
 - [For states with private prisons] CAN YOU GET THIS INFORMATION FOR STAFF OF PRIVATE PRISON FACILITIES IN YOUR STATE?
- b. PLEASE READ QUESTION 8B AND INSTRUCTIONS. (Died from the coronavirus?)
- DO YOU NEED TO TALK TO ANOTHER PERSON OR OFFICE (E.G. MEDICAL DIRECTOR) TO GET THIS INFORMATION?
 - CAN YOUR DOC BREAK DOWN STAFF WHO DIED BY WHETHER THEY HAVE FACE-TO-FACE INTERACTIONS WITH PRISONERS, OR STAFF WHO WORK IN PRISON FACILITIES, VERSUS THOSE WHO WORK ON THE BUSINESS SIDE OF THE DOC?
 - DO YOU UNDERSTAND THAT WE ARE NOT CONCERNED WITH WHERE OR WHEN THE STAFF MEMBER CONTRACTED CORONAVIRUS, JUST THAT THEY DIED FROM IT?
 - [For states with private prisons] CAN YOU REPORT ON DEATHS OF STAFF IN PRIVATE PRISONS?
- c. PLEASE READ QUESTION 8C AND INSTRUCTIONS. (Were confirmed deaths from the coronavirus?)
- CAN YOU BREAK YOUR CORONAVIRUS STAFF DEATHS DOWN BASED ON WHETHER OR NOT THE DECEDENT HAD A POSITIVE VIRAL TEST OR NOT?
 - DO YOU HAVE THIS INFORMATION IMMEDIATELY AVAILABLE, OR DO YOU NEED TO SPEAK TO ANOTHER PERSON (E.G. MEDICAL DIRECTOR)?
 - DO YOU UNDERSTAND THE DISTINCTION BETWEEN THIS QUESTION AND 8B?
 - DO YOU UNDERSTAND THAT WE WANT TO INCLUDE STAFF WHO WERE CONFIRMED TO HAVE CORONAVIRUS AND DIED FROM ONLY CORONAVIRUS, AS WELL AS THOSE WHO

DIED SOME OTHER MEDICAL CONDITION, BUT WERE CONFIRMED TO HAVE CORONAVIRUS AND COVID-19 CONTRIBUTED TO THE DEATH AS A SECONDARY CAUSE?

- d. PLEASE READ QUESTION 8D AND INSTRUCTIONS. (Were suspected deaths from the coronavirus?)
- DO YOU UNDERSTAND THAT WE WANT TO COUNT STAFF DEATHS THAT WERE THOUGHT TO HAVE BEEN CAUSED BY, OR CONTRIBUTED TO BY, CORONAVIRUS BASED ON SYMPTOMS, BUT NOT BASED ON A POSITIVE VIRAL TEST?
 - DO YOU HAVE THIS INFORMATION IMMEDIATELY AVAILABLE, OR DO YOU NEED TO SPEAK TO ANOTHER PERSON (E.G. MEDICAL DIRECTOR)?
- e. PLEASE READ QUESTION 8E. (How many of the total deaths of staff members (item 8b) were based on a medical examiner's or coroner's evaluation (such as an autopsy, postmortem exam, or review of medical records)?)
- ARE YOU ABLE TO EASILY OBTAIN THIS INFORMATION, OR WOULD IT REQUIRE YOU TO CONSULT WITH ANOTHER OFFICE OR PERSON INSIDE OR OUTSIDE THE DOC?
 - CAN YOU DIFFERENTIATE BETWEEN DEATHS OF STAFF MEMBERS WHO HAD DIRECT INTERACTIONS WITH PRISONERS AND THOSE WHO DID NOT?

OVERALL, HOW LONG DO YOU THINK IT WILL TAKE TO ANSWER THIS ENTIRE QUESTION?

Question 9. PLEASE READ QUESTION 9. (Let respondent read the question and instructions - Between March 1, 2020 and August 31, 2020, did you department of corrections implement any of the following mitigation tactics in response to the coronavirus pandemic in its state-operated and private correctional facilities? [mitigation table])

- BASED ON THE QUESTION, DO YOU THINK WE ARE REFERRING TO SECURE FACILITIES, COMMUNITY CORRECTIONS FACILITIES SUCH AS HALFWAY HOUSES AND BOOT CAMPS, OR BOTH? *Both*
- DO THE RESPONSE BINS – IN NO FACILITIES, IN SOME FACILITIES, IN ALL FACILITIES – MAKE SENSE?
- DO YOU UNDERSTAND ALL OF THE TACTICS LISTED?
- DO YOU UNDERSTAND THAT WE ARE INTERESTED IN WHETHER THESE TACTICS WERE IMPLEMENTED AT ANY TIME, EVEN FOR A JUST A DAY, BETWEEN MARCH AND AUGUST?
- DO YOU HAVE THIS INFORMATION IMMEDIATELY AVAILABLE, OR DO YOU NEED TO SPEAK TO ANOTHER PERSON?
- ARE THERE ANY OTHER MITIGATION TACTICS THAT YOU BELIEVE WE SHOULD ASK ABOUT?
- [For states with private prisons] DO YOU HAVE INFORMATION ON WHETHER THE PRIVATE PRISONS IN YOUR SYSTEM IMPLEMENTED ANY OF THESE TACTICS, OR CAN YOU ONLY SPEAK TO POLICIES IN THE STATE-OPERATED FACILITIES?

OVERALL, HOW LONG DO YOU THINK IT WILL TAKE TO ANSWER THIS ENTIRE QUESTION?

FINALLY, I'D LIKE TO ASK YOU A FEW QUESTIONS ABOUT THE SURVEY IN GENERAL.....

- HOW LONG DO YOU THINK IT WOULD TAKE FOR YOU TO COMPLETE THIS SURVEY?
- WERE THERE ANY QUESTIONS THAT WERE ABSOLUTELY IMPOSSIBLE OR VERY DIFFICULT FOR YOU TO RESPOND TO, THAT YOU THINK WE SHOULD CONSIDER REMOVING?
- ARE THERE ANY QUESTIONS YOU THINK WE SHOULD ADD – PERHAPS SOMETHING YOUR STATE IS MEASURING THAT YOU THINK WOULD BE IMPORTANT TO KNOW FOR OTHER STATES?
- WERE ANY OF THE INSTRUCTIONS CONFUSING?

- IS IT DIFFICULT IN THE SURVEY TO DIFFERENTIATE WHEN WE ARE ASKING ABOUT VIRAL VERSUS ANTIBODY/SEROLOGY TESTS?
- IF THIS SURVEY WAS SENT TO YOU ON SEPTEMBER 15, WOULD YOU BE ABLE TO COMPLETE IT BY NOVEMBER 15, 2020?
- WHO IS THE CORRECT POINT OF CONTACT TO SEND THE SURVEY TO?
- [For states with private prisons] IF YOUR STATE HAS CONTRACTS WITH PRIVATE PRISONS, DO YOU OBTAIN INFORMATION FROM THEM DIRECTLY ON TESTING OR TREATMENT OF PRISONERS?
- [For Rhode Island alone] DO YOU UNDERSTAND THAT WE ARE ASKING ABOUT YOUR ENTIRE SYSTEM – PERSONS OF ALL SENTENCE STATUSES AND LENGTHS?

THANK YOU FOR YOUR PARTICIPATION.