



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Washington, DC 20531

MEMORANDUM TO: Robert Sivinski
Office of Statistical Policy and Planning
Office of Management and Budget

THROUGH: Alexis R. Piquero, Director, Bureau of Justice Statistics (BJS)
Kevin M. Scott, Deputy Director, BJS

FROM: Rich Kluckow, Corrections Unit Chief, BJS
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SUBJECT: BJS request for OMB clearance to conduct a pilot study for the Local Jails Reporting Program through the generic clearance agreement granted to BJS (OMB Number 1121-0339)

DATE: October 31, 2022

Introduction

The Bureau of Justice Statistics (BJS) is requesting a generic clearance to conduct a pilot study for the Local Jails Reporting Program (LJRP), a new data collection of jail administrative records. The goal of the LJRP is to collect individual-level data to better understand the flows of inmates into and out of jails, the characteristics of the jail population, and the charges and sentences associated with jail incarceration.

The Criminal Justice Administration Records System (CJARS) at the University of Michigan will complete the study in two phases. In Phase 1, CJARS will interview staff at 30 of the country's largest jails to learn about their jail management systems and data sharing procedures. Phase 2 involves collecting pilot data from 10 of the jails that participated in Phase 1. The pilot data to be collected include person- or case-level data on individuals booked into local jails; arrests that led to jail bookings; admissions, releases, and movements while held in jail; detainer status; bail and bond; and charges, dispositions, and sentences. The total burden on jail respondents is estimated at 587.5 hours.

Background

BJS currently obtains data on the local jail population through establishment surveys (Census of Jails and Annual Survey of Jails) and inmate interview surveys (Survey of Inmates in Local Jails and the National Inmate Survey). BJS is interested in the feasibility of starting a collection of inmate-level jail administrative records analogous to the National Corrections Reporting Program (NCRP) for state prisoners. A jail administrative records collection system would have several advantages over BJS's current jail collections:

1. It would allow BJS to collect data that are difficult to aggregate and impractical to collect through jail establishment surveys, including information on bail, offenses/charges, sentences, time in detention, and detailed inmate demographic characteristics (e.g., race by sex).
2. It would allow BJS to collect data on the detained pretrial population, a group that is difficult to collect information from in inmate surveys due to their relatively short duration of stay in jail.
3. It would allow BJS to better describe the movement of people through the jail system and status changes (e.g., from pretrial to sentenced) while in jail custody.
4. It would potentially allow BJS to link individuals' jail booking records and jail inmate identifiers to other data sets such as the NCRP to study criminal justice involvement before and after incarceration. Data could also be linked to other administrative datasets (e.g., Longitudinal Employer-Household Dynamics data) to study the impact of even short stays in jail on socioeconomic outcomes.
5. BJS could eventually scale back on jail surveys and inmate surveys, reduce respondent burden, and release more current statistics to the public.

In the spring of 2020, BJS was tasked with collecting information specifically on the pretrial jail population by the House Appropriations Committee:¹

The Committee directs the Bureau of Justice Statistics (BJS) to collect information analyzing the population of individuals detained pretrial in local jails, State and Federal facilities, and private facilities under contract to Federal, State, and local authorities and report back to the Committee within 180 days of the date of enactment of this Act. The report should include the number of individuals detained pretrial; the median duration of the pretrial detention period; the number of individuals detained pretrial who were offered financial release or not offered financial release; and the number of individuals who were offered financial release but remained detained because they could not pay the amount required. All data should be disaggregated by demographic and the level of the offense charged.

Detailed data on the pretrial jail population as requested by the Committee are difficult to obtain through BJS's existing jail collections but may be acquired through an inmate-level administrative records collection. The LJRP Pilot Study is key to understanding how BJS can

¹ H.Rept.116-455 – 116th Congress (2019-2020) – Accompanies: H.R.7667: Commerce, Justice, Science, and Related Agencies Appropriations Bill, 2021. (2020, July 16). <https://www.congress.gov/116/crpt/hrpt455/CRPT-116hrpt455.pdf>.

fulfill the congressional mandate of collecting data on the pretrial population, including criminal record disposition, duration of the pretrial detention period, bail amount, and charge levels.

In 2020, BJS conducted the LJRP Feasibility Study to learn about the capability and willingness of local jails to provide individual-level administrative record data and to identify issues and challenges involved in developing the LJRP across the country. The study involved interviews with administrators and staff from 14 jails of various sizes and locations. The results indicated that it was feasible for BJS to pursue a pilot study (see Attachment A. Local Jails Reporting Program: Feasibility Study Final Report). Jails, especially the larger ones interviewed, expressed support for the LJRP data collection. Nearly all respondents understood the importance of the LJRP data to their own jail management.

Project Goal

The goal of the LJRP Pilot Study is to learn about the procedures and best practices for collecting and processing individual-level jail administrative data for the implementation of the LJRP on a large scale. In Phase 1, CJARS will conduct interviews with up to 30 of the largest jails. BJS aims to achieve the following objectives through these interviews:

1. Learn about how jails use jail management systems (JMS) to track inmate movements, status changes, charges, and sentences; and identify data elements available for extraction.
2. Understand the administrative processes jails have in place for data sharing.
3. Discuss the technical, legal, and confidentiality issues jails may encounter in providing administrative records to BJS.

In Phase 2, BJS will request pilot data from 10 of the jails that participated in the interviews and obtain a data extract including stock populations, admissions, releases, charges, and sentences from each jail. During this phase, BJS and CJARS will complete the following tasks:

1. Undertake the administrative processes to obtain approvals from jails for data transfers
2. Develop data extract specifications that are suited to the capabilities of JMS
3. Assist jail staff with data extraction and transfer
4. Check pilot data for completeness and errors and standardize data files.

Study Design and Procedure

Phase 1

Upon receiving approval for this clearance request, BJS will reach out to administrators at the jails listed in table 1 by email (see Attachment B: Invitation email). Ten days after the introductory email is sent, BJS will follow up with a reminder email. After that, CJARS will call non-respondents as needed (see Attachment C: Nonresponse follow-up). If a jail is willing to participate, CJARS will schedule an interview with their administrator or staff who are familiar with their JMS and data sharing protocols.

Table 1. Top 30 Jails by Inmate Population at Midyear 2019

1. Los Angeles County, CA	11. Philadelphia City, PA	21. Jacksonville City, FL
2. Harris County, TX	12. Miami-Dade County, FL	22. Fresno County, CA
3. Maricopa County, AZ	13. Tarrant County, TX	23. Pinellas County, FL
4. New York City, NY	14. Bexar County, TX	24. Fulton County, GA
5. San Diego County, CA	15. Riverside County, CA	25. Allegheny County, PA
6. Cook County, IL	16. Broward County, FL	26. Polk County, FL
7. San Bernardino County, CA	17. Las Vegas, NV	27. Gwinnett County, GA
8. Orange County, CA	18. Sacramento County, CA	28. Orange County, FL
9. Dallas County, TX	19. Hillsborough County, FL	29. Alameda County, CA
10. Shelby County, TN	20. Santa Clara County, CA	30. El Paso County, TX

Before the interview, the participating jails will be asked to fill out and return a JMS data element checklist by email (see Attachment D: JMS data element checklist). The checklist asks if their JMS includes specific data elements in the following areas:

- Personal characteristics and identifiers
- Arrest and charges
- Admission, release, and movements in jail
- Conviction and sentencing status
- Bail/bond
- Initial and final charges
- Dispositions and sentences.

A preview of the interview questions will also be provided to the participating jails.

The interviews will take about an hour each. CJARS staff will conduct the interviews by phone or video conference. Interviewers will follow a guide when conducting interviews (see Attachment E: Interview guide). After a scripted introduction is read to the respondent, interviewers will go on to gather information in three areas:

1. General information about the JMS, e.g., system vendor, product name, years of data stored, and data sources
2. Jail's data sharing procedure and capability, including whether the jail can legally provide individual-level data to BJS for statistical purposes, their preferred process of sharing data with BJS, anticipated challenges, and the capability to create data extracts of admissions, releases, charges, and sentences within a specified date range
3. How the JMS tracks inmate movements, status changes, charges, and sentences, including how movements and status changes are recorded, what reasons for admission and releases are recorded, how charge and sentence data are entered into JMS, etc.

Interviewers will take notes but will not record the conversation. After the interviews are completed, CJARS will submit a draft report to BJS summarizing the findings from the interviews and recommend 10 jails for data collection in Phase 2. The recommendations will be guided by information learned from the interviews. Jails that have most of the requested data elements available in their JMS and report the fewest barriers to data sharing with BJS will be recommended for individual-level administrative data collection in Phase 2. Any sites from the

10 recommended sites that refuse to participate will be replaced by backup jails. A final report will be submitted for BJS approval.

Phase 2

After the interviews have been completed and 10 pilot sites selected, CJARS will send an email to the selected jails to request individual-level administrative data (see Attachment F: Pilot data request email). A document specifying the requested data elements and case selection will be attached to the email (see Attachment G: Data extraction guide). After jails agree to provide pilot data, BJS and CJARS will follow participating jails' administrative processes to obtain approval for data extraction and transfer.

BJS and CJARS recognize that jail management systems vary the ability to store, extract, and share data and are prepared to assist jails. Efforts to reduce jails' burden of providing data include:

1. Providing guidance on data file structure and, if needed, example query code
2. Customizing the data request document as needed to suit the capabilities of JMS based on information learned from interviews
3. Accepting data extracts in any structure and format that is convenient for jails (e.g., jails do not need to recode or format any data before submission)
4. Offering multiple methods of secure data transfer.

After data extracts are received, CJARS staff will review the files for completeness and errors. They may reach out to data providers with questions to make sure that the data are correctly processed. After the data files are imported, CJARS will perform a series of steps to clean and standardize the data, link the records (e.g., booking records linked to personal characteristics, and charge data linked to booking records), and recode and categorize text data such as charge description, and finally produce analytical files for BJS. At the end of the project, CJARS will also deliver a data quality evaluation report to BJS.

Burden Hours

BJS estimates that it will take each participating jail 2 hours and 15 minutes to schedule the interview, complete the JMS data element checklist, and complete the phone or video interview (see Table 2). The total respondent burden for the interviews is estimated at 67.5 hours for 30 jails. Based on ranges proposed by the 2020 LJRP Feasibility Study respondents, BJS estimates that it will take each participating jail 8 hours to complete the administrative tasks associated with data sharing, 40 hours to develop a data extract, 2 hours to complete the data transfer, and 2 hours to answer questions about the submitted data. The respondent burden for the data collection portion is estimated at 520 hours for 10 jails. The total respondent burden for the pilot study is estimated at 587.5 hours.

Table 2. Burden hours calculation

<i>Phase 1 - Interviews</i>		<i>Phase 2 – Pilot data collection</i>	
Schedule the interview	0.25 hours	Administrative tasks	8 hours
Complete the JMS checklist	0.75	Data extract development	40
Complete the interview	1	Data transfer	2
Answer questions after interviews	+ 0.25	Answer questions after submitting data	+ 2
Burden per jail	2.25 hours	Burden per jail	52 hours
	× 30 jails		× 10 jails
Burden for 30 interviews	67.5 hours	Burden for 10 collections	520 hours
<i>Phase 1</i>	67.5 hours		
<i>Phase 2</i>	+ 520		
Total burden for jails	587.5 hours		

Potential Overlap with Other Studies

While Phase 1 (interviews) of the proposed study shares common themes with the 2020 LJRP Feasibility Study, there are two key differences. First, unlike the 2020 Feasibility Study, where BJS interviewed staff from 14 jails of various sizes and locations to understand JMS use and capability for data sharing in general, the pilot study is focused on large jails, the group that expressed the most support for LJRP during the Feasibility Study. Among the 30 jails BJS plans to interview this time, New York City and San Bernardino County are the only two that participated in the 2020 Feasibility Study. BJS will utilize the information they provided in 2020 to facilitate the interviews with these two jails.

Second, BJS plans to assess jails’ willingness and readiness for data sharing during the interviews this time to identify potential participants for the pilot data collection. The interviews are a necessary process for BJS to learn about JMS and data sharing procedures, to share with jails BJS’s commitment to data security and confidentiality, and to discuss jails’ concerns and challenges for providing individual-level data to BJS before undertaking the pilot data collection.

The proposed study also slightly overlaps with the National Pretrial Reporting Program (NPRP). BJS started the NPRP in 2020 to collect case-level data about pretrial processes associated with felony filings in 125 of the largest 200 counties. As part of the NPRP, BJS conducted the Data Capacity Survey (DCS) with representatives from 91 jails through interviews. During these interviews, BJS asked questions about agency data policies and the availability of specific data elements in their data systems, similar to the proposed interviews for the LJRP Pilot Study. To minimize duplicative efforts, BJS will review the DCS interview results when they become available and use relevant data to inform the LJRP interviews and pilot data collection.

The key differences between the LJRP and the NPRP are the target offender populations and target criminal justice agencies. While the NPRP collects data from jails, courts, and pretrial agencies, the LJRP respondents are limited to local jails. Unlike the NPRP, which is focused on

the pretrial population with felony charges, the LJRP will collect data on all jail inmates—including those sentenced and serving time and those held for misdemeanor charges—to understand the overall movement of inmates into and out of jail, the characteristics of the jail population, and reasons for jail incarceration.

Informed Consent and Data Confidentiality

BJS indicates that participation in the LJRP Pilot Study is voluntary both in the invitation email and in the Frequently Asked Questions, which will be sent along with the non-response reminder email. At the beginning of the interview, CJARS interviewer will read a scripted introduction, explaining again to the jail respondents that participation is voluntary and that respondents may decline to answer any and all questions and may stop their participation at any time.

The interview data and individual-level administrative data collected for the pilot study will be used to inform the development of the LJRP collection only and will not be published or released outside BJS. Per its statutory obligations (34 U.S.C. § 10134), BJS only uses information collected under its authority for statistical or research purposes. BJS is bound by federal law (Title 34 U.S.C. § 10231), which provides that “No officer or employee of the Federal Government, and no recipient of assistance under the provisions of this chapter shall use or reveal any research or statistical information furnished under this chapter by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this chapter. Such information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings.”

BJS has numerous confidentiality and security protections governing the data collected by BJS and its data collection agents. BJS and its data collection agents are required to follow the [BJS Data Protection Guidelines](#), which summarizes the federal statutes, regulations, and data security procedures governing BJS and its data collection agents in more detail. These guidelines ensure the confidentiality of all data, including PII.

IRB approval

CJARS has applied for, and received, permission to conduct the LJRP pilot study from the University of Michigan Institutional Review Board (Attachment F: IRB approval). The permission was granted on April 8, 2022 and expires on April 7, 2023. CJARS will reapply for IRB approval when the current permission expires.

Contact Information

Questions regarding any aspect of this project can be directed to:

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Attachments

- A. Local Jail Reporting Program Feasibility Study Final Report
- B. Invitation email
- C. Nonresponse follow-up
- D. JMS data element checklist
- E. Interview guide
- F. Pilot data request email
- G. Data extraction guide
- H. IRB approval