

SUPPORTING STATEMENT FOR THE NATIONAL PRISONER STATISTICS PROGRAM (NPS)

A. JUSTIFICATION

Overview

Through the National Prisoner Statistics program (NPS), the Bureau of Justice Statistics (BJS) collects annual aggregate counts of prisoners in the custody and under the jurisdiction of state and federal correctional authorities, as well as the number of persons admitted or released. BJS uses the NPS to report each year on the changes to and movement through state and federal prison systems by sentenced individuals. These statistics are part of BJS's core corrections statistics, as they contribute fundamentally to BJS's mission of describing the movements of persons through the criminal justice system. The current NPS collection approved by the Office of Management and Budget (OMB # 1121-0102), due to expire January 31, 2026 (*National Prisoner Statistics-Prison Population Reports: NPS-1B, Summary of Sentenced Population Movement*), collects information on the prison population on December 31st of each year. The NPS-1B collects prisoner counts by race/ethnicity, the number of admissions and releases in the calendar year (by type), and capacity figures. BJS is requesting a 3-year clearance. This clearance request will cover BJS collection of prison data from 2025-2027, collected in calendar years 2026-2028.

BJS uses the NPS data to describe changes in the composition and factors affecting the expansion and contraction of the prison population in the United States. These are issues that have been at the forefront of discussions of corrections policy for decades. Most recently, the annual statistical tables produced using the 2023 NPS data highlight the slight overall increase in the prison population dating back to 2022, up from a steady decline over the past decade. A recent statistical brief, based on data from the maternal health supplement to the annual NPS collection, presents findings on maternal healthcare and pregnancy prevalence and outcomes for persons in the custody of state or federal correctional authorities in the United States. Over the years, BJS has used the NPS data to chart the nation's prison population following several policy reforms at the state and federal levels, including the First Step and Second Chance Acts, and changes in the federal sentencing guidelines to drug crimes.

The NPS collects aggregate data on several standardized measures from each state department of corrections (DOC), the Federal Bureau of Prisons (FBOP), and each corrections agency in five U.S. territories and commonwealths. The variables collected include counts of:

- The number of prisoners in the physical custody of the state/FBOP/territory/commonwealth on December 31 of the previous calendar year, including counts of those with unsentenced commitments, those sentenced to one year or less, and those sentenced to more than one year;
- The number of prisoners under the jurisdiction (legal authority) of the state/FBOP/territory/commonwealth on December 31 of the previous calendar year, regardless of where they are being physically held, including counts of those with

unsentenced commitments, those sentenced to one year or less, and those sentenced to more than one year;

- A breakdown of the total count of prisoners under jurisdiction by the location of holding, including out-of-state prisons, in local jails, or private prisons on December 31 of the previous calendar year;
- The race and Hispanic origin of all prisoners under custody on December 31 of the previous calendar year;
- The number of total admissions, broken down by type of admission, during the entire previous calendar year;
- The number of total releases, broken down by type of release, during the entire previous calendar year;
- The design, rated, and operational capacity of all prison facilities on December 31 of the previous calendar year;
- The number of prisoners under their custody on December 31 of the previous calendar year who were non-U.S. citizens, disaggregated by sentence length; and
- The number of prisoners under their custody on December 31 of the previous calendar year who were under the age of 18 years, but held in an adult facility.

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The information gathered in the National Prisoner Statistics program (NPS) represents a long-standing effort to provide national and state-level estimates of the prison population, as well as changes in the movement of prisoners and the sex and racial distribution. While other professional associations and interest groups have conducted periodic collections of similar data, the NPS is the only ongoing annual collection that uses comparable reporting and standardized definitions across jurisdictions, has adapted to changing data needs, and has made the effort to present consistent data across years and jurisdictions. The burden involved in collecting the NPS is warranted by the fact that the NPS data are widely used by the components of the U.S. Department of Justice, Congress, journalists, researchers, students, and the individual states as a source of national and comparative data on prison populations (see examples of this in the Needs and Uses section below). The NPS series is a source of valuable information for criminal justice planning and policy development at the state and federal levels.

In 2017, state governments spent \$51.5 billion on corrections, 88% of which was spent on institutional corrections.¹ The total spent by state governments on corrections increased to \$53.5 billion in 2019.² As of 2022, state allocated approximately \$58.7 billion to corrections, accounting for about 3% of their direct general expenditures.³ This figure includes operational costs such as salaries and benefits, which constitute the majority of correctional spending. In addition to state expenditures, the federal government allocated \$8.1 billion in fiscal year 2022 to the Federal Bureau of Prisons.⁴ These substantial investments in managing prison populations have spurred renewed discussions at both state and federal levels regarding the purposes and benefits of incarceration, particularly as budgetary constraints intensify, and alternative sentencing and rehabilitation options are increasingly considered.

The cost of imprisoning people has increased despite an overall decrease in the state and federal prison populations. At yearend 2023, correctional authorities in the United States had jurisdiction over 1,210,308 individuals sentenced to more than 1 year in state or federal prison. This marks a 20.4% decline from the 1,520,403 persons sentenced to state or federal prison in 2013. Although this represents an overall decline over the past 10 years, the prison population has increased by about 2% over each of the past two years since 2022⁵.

BJS's ability to analyze the prison population over a sustained period of time is due in large part to the data collected through the NPS, which measures the size and composition of persons held in correctional facilities at the behest of state and federal governments. Since its inception, the counts from NPS have been used by a wide range of researchers, stakeholders, and policy makers in evaluating the efficacy of existing criminal justice policies.

NPS was created in 1926 in response to a congressional mandate to gather information on persons incarcerated in state and federal prisons. Originally under the auspices of the U.S. Census Bureau, the collection moved to BJS following the agency's establishment in 1979. The data provide an enumeration of persons in prison and key characteristics of the population and are published annually. NPS has been modified through the decades to keep up with the changing information needs of the public, researchers, and federal, state, and local governments; while items and definitions have changed over the years, BJS strives to make the data as comparable and consistent as possible.

The detailed summaries of the prison population in the NPS, combined with data from other BJS sources, provide information with which decision makers can measure the effects of sentencing and release policies on the sources of growth and change in the prisoner population. By gathering annual admission, release, and standing population figures, the NPS series represents the core set

¹ Bueller ED. 2021. *Justice Expenditures and Employment in the United States, 2017*. U.S. Department of Justice, Bureau of Justice Statistics, NCJ 256093.

² Bureau of Justice Statistics. 2024. *Justice Expenditures and Employment Tool (JEET)*. U.S. Department of Justice, Bureau of Justice Statistics. Accessible at: bjs.ojp.gov/jeet.

³ U.S. Census Bureau. 2024. *Annual Survey of State and Local Government: US Summary and State Estimates Tables*. Accessible at: <https://www.census.gov/data/datasets/2022/econ/local/public-use-datasets.html>.

⁴ AFGE. 2022. *FY2022 Omnibus Funding Bill Highlights*. AFGE: Washington, DC. Accessible at: <https://www.afge.org/article/fy2022-omnibus-funding-bill-highlights>.

⁵ Mueller, D. (2024). *Prisons Report Series: Preliminary Data Release, 2023*. U.S. Department of Justice, Bureau of Justice Statistics, NCJ 309396.

of data that agencies and communities use to develop approaches to address issues such as changes of the prison population composition and size, and the needs of persons returning to the community following incarceration.

In addition to being used to describe movements of sentenced prisoners, the NPS is used to measure changes in the number of prisoners serving sentences of more than 1 year. This demarcation—between those serving more than 1 year and all prisoners—enhances comparability among states, as states vary on the types of prisoners that they hold, including some unsentenced prisoners and prisoners serving less than 1 year. The NPS data on admissions of probation and parole violators, as well as other conditional release violators, are used to describe movements of persons under correctional supervision between various stages of the criminal justice system.

If these data were no longer collected, the data users would be forced to gather information from multiple entities that maintain different population measurement standards and definitions. Legislative, judicial, and executive government decision-makers would lose a source of valuable information for criminal justice planning and policy formulation and researchers would lose a trusted source of trend data on the size and characteristics of the prison population if the NPS data series was discontinued.

The Omnibus Crime Control and Safe Street Act of 1968 (see **Appendix 1**), as amended (34 U.S.C. § 10132) authorizes BJS to compile data on the movement and characteristics of state and federal prison populations. Under Title 34 of the United States Code, § 10231, BJS collects NPS data for statistical purposes only, does not release data pertaining to specific individuals in the NPS, and has in place procedures to guard against disclosure of personally identifiable information. NPS data are maintained under the security provisions outlined in U.S. Department of Justice regulation 28 CFR §22.23, which can be reviewed at: <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/bjsmpc.pdf>.

Until July 31, 2014, the U.S. Census Bureau served as the primary collection agency for NPS and this project was funded through an interagency agreement on an annual basis. Starting on August 1, 2014, collection of the NPS data was transferred to Abt Global, BJS's data collection agent for the National Corrections Reporting Program (NCRP), which collects individual-level data on state prisoners. In 2015 and 2020, BJS held competitive solicitation contests that combined collection of NPS and NCRP for 5 years; Abt Global was awarded both data collection iterations through a cooperative agreement. BJS drafted a Notice of Funding Opportunity (NOFO) for collection of the next 5 years of data in 2025.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

BJS Needs and Uses

As the nation's official measure of the state and federal prison system, NPS is uniquely situated to inform policy questions in characterizing potential causes behind the prison population growth during the past decades and more recent declines. In its annual statistical tables (see *Prisons*

Report Series: Preliminary Data Release, NCJ 309396), BJS highlights changes in the prison population and describes the changes by demographic characteristics across states. The number of males in prison increased in 38 states from 2022 to 2023, while the number of females in prison increased in 41 states during the same time. From 2022 to 2023, the imprisonment rates for persons age 18 or older increased for black adults (up 2%) and white adults (1%).

The prison population continued to increase slightly in 2023 – similar to the increase described in 2022 (see *Prisons Report Series: Preliminary Data Release*, NCJ 309396). Thirty-nine states showed growth in their sentenced prison populations from 2022 to 2023. Seven states increased their prison populations by more than 1,000 persons from yearend 2022 to yearend 2023. The nation's largest prison population, FBOP, showed about a 2% decline from 2022 to 2023. This reverses the pattern in a majority of states in 2021 where more than half experienced declines and the FBOP showed an increase of 3.4% over 2020 (see *Prisoners in 2021*, NCJ 305125). Despite increases in many states, the 2023 count of 1,210,308 sentenced persons under the jurisdiction of state and federal correctional authorities was the smallest since 1997, excluding 2020-2022. This provides researchers with an opportunity to examine the policies that contributed to prison growth, including policies that required mandatory minimum sentences and sentencing enhancements for people with repeat offenses, prioritization of imprisonment for particular offense types, and the use of good time credits to affect time served and release.

BJS also uses the NPS data to examine timely issues in corrections, such as the sentencing of juveniles to adult prisons, the use of private prison facilities to house incarcerated persons, and the unique needs of women incarcerated in the system. In response to rulings by the U.S. Supreme Court⁶ and various state and federal courts regarding the sentencing and incarceration conditions of individuals aged 17 or younger, BJS analyzed the sharp decline in the number of youth held in adult state correctional facilities. In 2023, states held 513 individuals under age 18 in adult facilities – a 92% decrease from 2000, when nearly 4,000 youth were incarcerated in such settings.⁷ Additionally, BJS continues to monitor the role of private prisons and the challenges faced by women prisoners, including access to healthcare, which remain critical concerns in correctional management.

BJS leverages NPS data to complement the more detailed NCRP data. For example, while NCRP provides individual-level data on prisoner admissions, releases, and movements within state systems, NPS offers a comprehensive, aggregate snapshot of prison populations at specific points in time across all states. This allows BJS to validate trends observed in the NCRP and to generate nationally representative prison population counts. Additionally, NPS data are instrumental in producing timely national estimates of total prison populations, including breakdowns by sex, race, and age, which help contextualize the more granular but limited-scope NCRP data.

BJS often uses the NPS and NCRP data collections together in its analysis of state prison populations. While the individual-level NCRP data can provide the detailed sentencing, time served, and offense information, since not all states are represented for each year in NCRP, NPS population totals allow for national estimates to be made based on the detailed data. Admission, release, and yearend stock populations are compared between the two collections to provide

⁶ See especially *Miller v. Alabama* (2012) and *Montgomery v. Louisiana* (2016).

⁷ Carson EA. 2014. Prisoners in 2013. U.S. Department of Justice, Bureau of Justice Statistics, NCJ 247282.

consistency checks, and in some cases, information from the NPS is used to inform analysis of the NCRP. For example, in BJS's recent report on time served in state prison,⁸ the NCRP data from Virginia lacked type of prison admission on all records. BJS was able to use the aggregate counts of admission types from NPS to impute the variable for Virginia NCRP data. Together, these datasets enable BJS to provide a fuller picture of corrections system dynamics, inform policy development, and monitor long-term trends in incarceration.

BJS's recurring uses of NPS data

BJS makes the NPS data available to correctional administrators and staff, Congress, researchers, and the public through multiple reports on the status of the corrections population each year, the most recent of which are *Prisoners in 2022 – Statistical Tables* (NCJ 308765) and *Correctional Populations in the United States, 2022* (NCJ 308766). These reports contain state-level counts of the prison population, admissions, releases, and data on juveniles, non-citizens, and prison capacities, and present the percent change in these measures over time.

In addition to these annual reports, BJS previously published a periodic snapshot of the estimated number of persons living with HIV/AIDS in the custody of state and federal correctional authorities from these data, the latest of which is *HIV in Prisons, 2023* (NCJ 309975).

Over the past few years, BJS has released several reports on the recidivism of persons released from state and federal prisons. While the primary data used in these analyses came from NCRP and FJSP, national estimates of recidivism rates are based on the NPS jurisdiction population. NPS data also serve as the official prison population counts for computing the weights for the BJS prisoner surveys (including the omnibus Survey of Prison Inmates (SPI)⁹ and the National Inmate Survey (NIS), the primary data collection vehicle for the Prison Rape Elimination Act). Special reports published in recent years using the SPI or NIS data and NPS totals for the prison population include:

- *Profile of prison inmates, 2016* (2021), U.S. Department of Justice, Bureau of Justice Statistics, NCJ 255037
- *Veterans in prison: Survey of Prison Inmates, 2016* (2021), U.S. Department of Justice, Bureau of Justice Statistics, NCJ 252646.
- *Parents in prison and their minor children: Survey of Prison Inmates, 2016* (2021), U.S. Department of Justice, Bureau of Justice Statistics, NCJ 252645
- *Source and use of firearms involved in crimes: Survey of Prison Inmates, 2016*. (2019), U.S. Department of Justice, Bureau of Justice Statistics, NCJ 251776.
- *Alcohol and drug use and treatment reported by prisoners: Survey of Prison Inmates, 2016* (2021), U.S. Department of Justice, Bureau of Justice Statistics, NCJ 252641

⁸ Kaeble D. 2025. Time Served in State Prison, 2018. U.S. Department of Justice, Bureau of Justice Statistics, NCJ 309958.

⁹ Glaze L. 2019. Methodology: Survey of prison inmates, 2016. U.S. Department of Justice, Bureau of Justice Statistics, NCJ 252210.

- *Disabilities reported by prisoners: Survey of Prison Inmates, 2016* (2021), U.S. Department of Justice, Bureau of Justice Statistics, NCJ 252642
- *Medical problems reported by prisoners: Survey of Prison Inmates, 2016* (2021), U.S. Department of Justice, Bureau of Justice Statistics, NCJ 252644
- *Indicators of mental health problems reported by prisoners: Survey of Prison Inmates, 2016* (2021), U.S. Department of Justice, Bureau of Justice Statistics, NCJ 252643

NPS population counts are also used to calculate state- and national-level prison mortality rates. Until BJS stopped collecting individual-level prisoner death data through the Mortality in Correctional Institutions program (MCI; OMB control number 1121-0249), the NPS counts of persons in custody of state or privately operated prison facilities served as denominators for mortality rate calculations. NPS also provided aggregate counts of deaths in the FBOP before that agency began giving individual-level death records to BJS in 2015.

In 2021, BJS published a report on deaths by suicide in state and federal prisons from 2001 to 2019 using the MCI and NPS data.¹⁰ While suicide rates were roughly equal between state and federal prisons in 2001 (14 deaths by suicide per 100,000 state prisoners compared to 13 per 100,000 federal prisoners), by 2019, the rate of suicide in state prisons (27 per 100,000 state prisoners) had increased faster than the rate in federal prisons (20 per 100,000 federal prisoners).

BJS statisticians use the NPS data to answer questions posed by Department of Justice officials and officials of other federal agencies, state and local officials in conjunction with jail administrators, researchers, and planners to analyze the current trend and growth patterns, and the public seeking information. Users of this data include the following:

- Congress – to evaluate the adequacy of correctional facilities and state resources to meet prison population needs and to assist the states and the Bureau of Prisons in protecting prisoners.¹¹
- National Institute of Corrections – to evaluate State and Federal prison conditions, establish operational standards, and assess the needs for technical assistance and training for prison staff and administrators.¹²
- Bureau of Justice Assistance – to allocate formula grants proportional to the number of prisoners held by each state, such as the Residential Substance Abuse Treatment for State

¹⁰ Carson EA. 2021. Suicide in Local Jails and State and Federal Prisons, 2000-2019 – Statistical Tables. U.S. Department of Justice, Bureau of Justice Statistics, NCJ 300731.

¹¹ NPS figures have been cited consistently in legislation to illustrate the number of persons affected by incarceration, estimated persons at risk within facilities, and formerly incarcerated persons in need of community resources. Examples include the Deaths in Custody Reporting Act of 2000 (P.L. 106-297), the Prison Rape Elimination Act of 2003 (P.L. 108-79), the Second Chance Act of 2007 (P.L. 110-199), and the First Step Act of 2018 (P.L. 115-756).

¹² Most recently, national estimates of sexual victimization in prison facilities generated by NPS totals have been used as a basis for training and assistance in prisons across the nation to revise policy pertaining to prisoner safety.

Prisoners and the Second Chance Act grants.

- State corrections officials – to assess conditions within their own jurisdictions relative to others and to determine needs and budget requirements.
- U.S. Marshals – to assess the number of American Indian defendants in Oklahoma state prisons who would need to be retried in federal courts after the U.S. Supreme Court’s decision in *McGirt v. Oklahoma* (2020) that ruled the eastern part of Oklahoma was tribal reservation land, and the subsequent partial reversal of this decision in *Oklahoma v. Castro-Huerta* (2022). Additionally, understanding prison population trends can assist in managing the transportation and housing of detainees under their jurisdiction.
- Department of Education – to serve as control totals for their survey on prisoner literacy, aiding in the assessment of educational needs within correctional facilities.
- Consumer Financial Protection Board – to inform a data brief on older persons released from prison and the health and employment issues facing them once they reenter the community.
- Department of Housing and Urban Development (HUD) – to estimate the number of individuals who might be eligible for housing benefits upon release from prison by linking NPS data with its own housing assistance records. This linkage helps in planning and allocating resources for housing assistance programs targeting formerly incarcerated individuals.
- Researchers – to examine trends in incarceration and recidivism and study the impact of imprisonment on communities. The data support analyses that inform criminal justice policy decisions and contribute to academic literature on criminal justice issues.¹³
- The public – to make informative decisions about crime and punishment within their own jurisdictions. The general public accesses NPS data through BJS’s online tool (i.e., Corrections Statistical Analysis Tool – Prisoners [CSAT-Prisoners]) to understand trends in incarceration, such as changes in prison populations over time and disparities across different demographics. This transparency fosters informed public discourse on criminal justice policies.¹⁴
- The media – to publish national and state-level stories on prison populations, including on differences in imprisonment rates by race/ethnicity, trends in state and federal prison populations, and the impact of state and federal policies on the prison population.

¹³ A consistent inquiry from researchers and students is trend data by state, race, sex, and admission and release type that only the NPS can provide.

¹⁴ Corrections staff receive regular inquiries from ASKBJS, our online information request mechanism. The NPS data are used daily to answer questions regarding prison population size by state, incarceration rates, juveniles held in adult facilities, non-citizens held, admissions and releases by type, and prisoner characteristics by race and sex.

BJS attends the American Correctional Association (ACA) conference regularly and briefs the Correctional Leaders Association (CLA) and other professional members on findings from the NPS collection, the status of current collections, planned changes or upcoming surveys, as well as to receive any feedback they have on the collection and BJS reports. Professional conferences are also an opportunity to discuss current and future data collections with stakeholders, emphasizing that their input on survey items, implementation, and collection are important to BJS.

The following table lists each question BJS asks on the NPS-1B form, provides a justification for requesting the information, identifies any known issues with the concept, and explains the statistics BJS plans to publish based on the responses. The NPS-1B survey instrument is in **Appendix 2** and the associated form for the territories (NPS-1B(T)) is in **Appendix 3**.

Table 1. Justifications for questions included on the *National Prisoner Statistics program – Summary of Sentenced Population Movement* annual survey (form NPS-1B)

Question 1 – Aggregate count of persons in the physical custody of the state/BOP on December 31 of the data collection year, by length of sentence (unsentenced, sentenced to one year or less, sentenced to more than one year) and sex
<i>Justification for asking this question</i>
<p>BJS distinguishes between the state/BOP that has physical custody of a prisoner and the state/FBOP that has legal authority, or jurisdiction, over the prisoner. In most cases, these are the same state/BOP, but some states pay other states to hold prisoners for them to alleviate crowding or because the prisoners are being held for concurrent sentences in two different states. Additionally, BJS requests that respondents only include prisoners held in state-operated prison facilities in their custody counts and exclude those held in private prisons or local jails. The custody count allows BJS to report the number of people held by each state/FBOP in facilities owned and operated by the state or federal governments, and compare that to rated, design, or operational capacity figures.</p> <p>Until 1978, custody was the official measure of prison population size. This was replaced by the measure of jurisdiction, or legal authority over prisoners wherever they are held, as states and the FBOP contracted with local jails and private facilities to alleviate crowding in state- and FBOP-operated prisons. BJS continues to collect custody to examine crowding in state/FBOP operated facilities, as well as to continue the time series that goes back to the 1920s.</p> <p>Traditionally, a sentence of more than one year was the dividing line between misdemeanor and felony offenses, and therefore the difference between serving a sentence in county or city jail versus state or federal prison. This is not a universal policy, and in six states (Alaska, Connecticut, Delaware, Hawaii, Rhode Island, and Vermont), prisons and jails are combined into a single system operated by the state government. However, BJS still uses the sentence threshold of more than one year to designate persons convicted and sentenced for more serious crimes, footnoting states that have slightly different definitions (for example, sentences of one year or</p>

more) in released statistics. Particularly in the six combined prison/jail states, it is useful to be able to distinguish those sentenced for more serious offenses from those who are being held pretrial or who have short sentences for misdemeanors.
<i>Question design considerations and/or limitations</i>
Inevitably, some states include prisoners held in local jails, private prisons, or other locations in their reported custody counts. Where possible, BJS tries to subtract these persons from the custody count, or, if this cannot be done, add to the capacity counts so that the calculation of percent capacity is based on consistent populations.
<i>Proposed statistics obtained from this question</i>
<ul style="list-style-type: none"> • Annual aggregated custody population counts at the national, state total, and federal levels by sex and sentence length • Percent of state-owned facility capacity utilized by persons in custody • In combined prison/jail states, the percentage of sentenced and unsentenced prisoners • A state-level count of persons held in state-operated AND those held in privately operated facilities. This “custody + privates” count is used in BJS’s annual <i>Corrections Populations in the United States</i> report to prevent double counting of prisoners held in local jails, and as a denominator for mortality rates among prisoners.
Question 2 – Aggregate count of persons under the jurisdiction (legal authority) of the state/BOP on December 31 of the data collection year, by length of sentence (unsentenced, sentenced to one year or less, sentenced to more than one year) and sex
<i>Justification for asking this question</i>
<p>Jurisdiction, or legal authority over a prisoner, has been the official measure of the prison population since 1978. It encompasses all prisoners held in the custody of a state/BOP, as well as those held on behalf of the state DOC/FBOP in private prisons, local jails, and publicly operated facilities in other states or the FBOP. As state and federal correctional authorities began moving prisoners to facilities operated by private companies and local, other state, and federal governments to reduce crowding and/or save money on new prison construction, BJS needed a way to capture these persons not in the state’s/BOP’s physical custody.</p> <p>As with the custody measure in Question 1, BJS requests respondents to break down jurisdiction by length of sentence. The official statistic to measure the prison population is referred to as the “sentenced jurisdiction population”: the number of persons sentenced to more than one year under the legal authority of state or federal correctional officials, regardless of where they are held. While the “total jurisdiction population” (the number of persons under the legal authority of state or federal correctional officials, regardless of where they are held <i>or the length or status of their sentence</i>) is larger than the sentenced jurisdiction measure, the difference is primarily due to the 6 states which combine prison and jail operations and house persons with no or very short sentences. The annual sentenced jurisdiction population is 96-97% of the total jurisdiction population.</p>
<i>Question design considerations and/or limitations</i>
Theoretically, the jurisdiction population should equal the sum of the custody

<p>population (Question 1) and prisoners housed in facilities not operated by the state/FBOP (Questions 3-5): $[Q2=(Q1+Q3+Q4+Q5)]$. In practice, this equation rarely balances perfectly, either because the state/FBOP has added one or more of these components into its custody count, or because the DOC/FBOP has an additional location to house people under their legal authority that is not covered by private prisons, other states' prisons, or local jails. In recent years, that has mostly included people on home confinement. In such cases, BJS requests that the respondent explains where the people are being held, and how many are in that group. BJS can then remove these persons from the jurisdiction count if necessary. Each year, BJS evaluates each state/FBOP for the difference between custody and jurisdiction (Q1 versus Q2) and attempts to get these measures as close to the BJS definitions as possible.</p>
<p><i>Proposed statistics obtained from this question</i></p> <ul style="list-style-type: none"> • State and federal counts of males and females held under the legal authority of the state or federal governments • State and federal counts of males and females sentenced to serve more than one year under the legal authority of the state or federal government <ul style="list-style-type: none"> ▪ Since this is the official statistic cited by BJS in response to questions on the size of the prison population, it is used as a “control total” for annual statistical tables on offense and race/ethnicity. ▪ BJS’s Survey of Prison Inmates (SPI; OMB control # 1121-0152) uses this count in post-survey weighting of all estimates, as well as in developing the size of sampling strata for the survey itself. • Per capita rates of imprisonment by sex for individual states/FBOP and nationally
<p>Question 3 - Number of prisoners under the legal authority of the state/FBOP who were housed in in-state or out-of-state private prisons on December 31 of the data collection year, by sex</p>
<p><i>Justification for asking this question</i></p> <p>The use of privately-operated facilities to house state and federal prisoners is one of the most debated topics when criminal justice reform is mentioned at the local, state, or federal level. Despite its importance in the discussion of where and how to keep prisoners, private facilities at the peak of their utilization in 2012 housed 8.7% of all prisoners sentenced to more than one year. Specific states and the FBOP do hold a higher percentage of their populations in private facilities. To provide future context for this debate, however, BJS must continue to collect the number of persons held in private prison facilities each year.</p>
<p><i>Question design considerations and/or limitations</i></p> <p>Since BJS began collecting data on persons held in private prison facilities in 1999, there has been a debate as to what constitutes a privately operated prison (example: if the state owns the building, but contracts all staff who run the facility, can it be considered privately operated?). Particularly during the COVID-19 pandemic in 2020 and 2021, the FBOP and some states made greater use of home confinement as an alternative to holding prisoners in crowded conditions. In annual NPS reports, the FBOP considers these persons as being held in private prisons, although BJS does</p>

not include them in custody or jurisdiction counts or calculated imprisonment rates because the state/FBOP is not financially obligated through a contract to provide room and board (the prisoners or the persons responsible for them receives no money for rent, food, or clothing from the state/FBOP in exchange for providing housing).
<i>Proposed statistics obtained from this question</i>
<ul style="list-style-type: none"> • Total and sex-specific counts of persons held in private facilities contracted to the state/FBOP • Percent of sentenced jurisdiction population held in private facilities contracted to the state/FBOP • Percent of prisoners held in private facilities who are held in-state versus out-of-state
Question 4 - Number of prisoners under the legal authority of the state/FBOP who were housed in local jail facilities on December 31 of the data collection year, by sex
<i>Justification for asking this question</i>
States and the FBOP also contract with local jails to house prisoners, particularly when there is limited space at state or federal facilities for persons newly convicted and awaiting transfer after sentencing. In addition, prisoners may be held in local jails closer to the court if they are required to appear for hearings. Since local jails typically do not have the same resources to provide equivalent health care, programming, education, and treatment services as state and federal prison, prisoners held in local jails may have a significantly different experience than those in state or federal facilities. Additionally, BJS uses the count of prisoners held in local jails from NPS in its annual <i>Corrections Populations in the U.S.</i> bulletin to make sure those individuals are not counted twice as they are also reported in BJS's Annual Survey of Jails collection.
<i>Question design considerations and/or limitations</i>
In addition to the six states that operate combined prison and jail systems (all persons are counted in the NPS, and not reported to BJS's jail collections), there are several states that run "state jails" or "local prisons". BJS works with each of the state respondents to understand whether these facilities are holding sentenced prisoners for the state, a mixture of state and local inmates, who owns and operates the facility, and whether the state DOC pays for bedspace or provides some or all of the facility staff. Generally, BJS requests that states report the total number of persons held in such facilities in the Notes section of the NPS-1B form, so if BJS decides to include or exclude those persons from a particular analysis, they can be easily removed.
<i>Proposed statistics obtained from this question</i>
<ul style="list-style-type: none"> • Total and sex-specific counts of persons held in local jail facilities contracted to the state/FBOP • Percent of sentenced jurisdiction population held in local jail facilities contracted to the state/FBOP
Question 5 - Number of prisoners under the legal authority of the state/FBOP who were housed in other states or federal facilities on December 31 of the data collection year, by

sex
<i>Justification for asking this question</i>
To complete the accounting of where prisoners are held outside of the state- or FBOP-operated facilities in the jurisdiction of sentencing, BJS requests the count of persons, by sex, who are housed in other states' public prison facilities or in FBOP-operated prison facilities. About 5,000 prisoners were held in public prisons in states or FBOP that were different from the state with legal authority, due to space constraints, dual jurisdiction (sentenced in more than one state or at the federal level), resource requirements (a prisoner might require medical care or a specific security requirement not available in the state of sentencing), or interstate compacts. In 2020, Florida had 700 sentenced prisoners serving time in other states' public prison facilities, and Missouri had jurisdiction of almost 300 persons housed in FBOP-operated prisons.
<i>Question design considerations and/or limitations</i>
BJS does not ask states to report the name of the jurisdiction that has custody of their prisoners, or the reasons for having them held out of the jurisdiction of sentencing. This limits the usefulness of these data, but the additional burden of requesting this information cannot be justified given they account for less than 0.5% of all prisoners in the U.S.
<i>Proposed statistics obtained from this question</i>
<ul style="list-style-type: none"> Total and sex-specific counts of persons held in other states' public prison facilities, or in FBOP facilities.
Question 6 - The number of persons under the legal authority of the state/FBOP on December 31 of the data collection year, by race/ethnicity and sex
<i>Justification for asking this question</i>
The race/ethnicity distribution of prisoners is one of BJS's most requested statistics. It is important for use in analyses of racial disparities in prisons.
<i>Question design considerations and/or limitations</i>
<p>Racial and ethnic data collected by state DOCs and the FBOP are for administrative or operational purposes. While some DOCs ask prisoners to self-identify their race and ethnicity at admission, others rely on information from law enforcement or court documents that accompany a newly admitted prisoner, or even visual assessments by the intake officers. Most states and the FBOP do not have offender management software (OMS) that allows for the entry of more than one race value, and in many cases, the yes/no response for Hispanic origin is an optional question and often left blank on prisoners' records.</p> <p>BJS has recently published a comparison of administrative race/ethnicity data from the NPS and National Corrections Reporting Program (NCRP) with self-report responses from the 2016 Survey of Prison Inmates (see table 5 in Prisoners in 2016 (ojp.gov); table 8 in Profile of Prison Inmates, 2016 - Survey of Prison Inmates (ojp.gov)). The administrative data overestimates the percentage of prisoners who are non-Hispanic white and non-Hispanic black, and underestimates Hispanic prisoners and those of two or more races. Because of the incongruity of the administrative and self-report data, BJS weights the age, sex, race/ethnicity, and offense data from</p>

the NPS and NCRP to control totals of sex-specific race/ethnicity as reported by the prisoners in SPI. These weighted counts are used as the official distribution of race and ethnicity each year, and are only available at the national, FBOP, and total state levels. BJS publishes the state-level counts of prisoners by race collected in question 6 of NPS as an appendix table in the annual *Prisoners* bulletin but cautions users about the issues with administrative race/ethnicity data.

BJS follows OMB Statistical Directive 15 in the collection of race/ethnicity data in terms of the racial/ethnic categories used on the NPS-1B form, with one exception: BJS has received permission from OMB to retain a category for “Additional categories in your information system”, recognizing that the OMS of various states may collect different racial/ethnic categories that are specific to their prison populations.

Proposed statistics obtained from this question

- State/federal level counts of prisoners’ race/ethnicity by sex

Question 7 – The number of persons sentenced to more than one year under state or federal correctional authority, who were admitted during the data collection year, by type of admission and sex

Justification for asking this question

The size of the prison population is dependent on two factors: the number of admissions and the length of stay for persons already in prison. BJS relies on the individual-level data from NCRP to calculate the latter, while NPS-1B provides the aggregate count of admissions over an entire calendar year, disaggregated by sex and type of admission. This disaggregation is particularly important because it allows BJS to present data on the number of persons admitted for new crimes (new court commitments), who typically have longer stays in prison than do admissions for violations of community supervision.

Respondents are asked to enumerate the calendar year admissions by sex for the following types of prison entry: New court commitments; Parole violators (splitting those entering with a new sentence and those without a new sentence); Other conditional release violators (both with and without a new sentence); Transfers from other jurisdictions; Returns from the status of absent without leave (AWOL); Returns from escape status; Returns from appeal or bond that last longer than 30 days; and Other admissions (specify).

In its reporting, BJS combines the parole and other conditional release violation admissions into a single category but asks jurisdictions to report these admissions by whether a sentence was imposed for a new crime or not. This allows BJS and other researchers to determine whether jurisdictions limit or prioritize reentry into the prison system for new crimes or for community supervision violations, which are typically less serious than new felony criminal activity.

Question design considerations and/or limitations

BJS limits the count of admissions to persons sentenced to more than one year in prison, primarily to differentiate between unsentenced jail inmates and prisoners in

the 6 states with combined prison/jail systems.

BJS requests that respondents annotate any different definitions or counting rules regarding the admissions reported to NPS-1B. In cases where the reported statistics cannot be reconciled with the BJS definition or counting rule, BJS publishes footnotes in its reports, tools, and archived data to explain the differences. Typically, this involves respondents reporting on admissions of persons of all sentence lengths or counting movements between facilities as transfers. Some states are unable to disaggregate parole and other conditional release violators by whether they were given an additional sentence for new criminal activity. Similarly, some jurisdictions do not differentiate between admissions after AWOL and actual escapes. In many cases, states use the readmission of escaped prisoners to denote those who had been held in secure prison facilities at the time of their early departure while readmissions of AWOL prisoners are reserved for those walking away from nonsecure camps, work facilities, or halfway houses.

Proposed statistics obtained from this question

- Total and sex-specific counts of admissions to prisons during a calendar year
- Percent of admissions resulting from new court commitments, versus those occurring due to violations of community supervision
- Number of prisoners who were returned to prison after having escaped or been AWOL

Question 8 – The number of persons sentenced to more than one year under state or federal correctional authority, who were released during the data collection year, by type of release and sex

Justification for asking this question

Releases impact the size of the prison population insofar as they dictate the length of stay of persons admitted. The timing and way a state or the FBOP releases persons from prison can reflect criminal justice practices at the state and federal level. In the past decade, states and the FBOP have experimented with awarding multiple good time credits (one day of good behavior removes two or more days from a prisoner's sentence), increasing the number of persons released under clemency or sentence commutation, increasing or decreasing the minimum percentage of a prisoner's sentence they must serve in a secure facility before release onto community supervision, and moving certain groups of prisoners to non-secure facilities or onto home confinement. While BJS uses the NCRP and FJSP to analyze time served in prison and the detailed demographic and criminal justice characteristics of persons released, the NPS-1B provides the total number of releases by type and can be used to examine state- and national-level trends in institutional corrections.

Respondents are asked to enumerate the calendar year releases by sex for the following types of prison entry: unconditional, including the breakdown of those released after their prison term expires, commutation of sentence, and other unconditional releases; conditional, including counts of persons released under shock probation or other probationary policies, those entering discretionary or mandatory supervised parole programs, and other conditional sentences; deaths; AWOLs;

<p>escapes from confinement; transfers to other jurisdictions; releases to appeal or bond; and other releases.</p> <p>Annually since 1978, conditional and unconditional releases have accounted for between 91% and 99% of all prison releases, and the majority of persons exiting U.S. prisons have some conditions to fulfill when they return to the community. Conditional releases as a percentage of all prison releases peaked in 1991 at almost 84% and have fluctuated between 63% (2015) and 75% (1996) ever since. In 2020, 71% of persons exiting prison were released conditionally, while almost 26% were released unconditionally, and 3% were released in some other way, including 6,100 who died during the calendar year.</p> <p>The aggregate count of deaths in the NPS-1B represents the only independent count of prison mortality now that BJS no longer collects individual-level death data through the MCI. This statistic has become important as an external validation of data the data collected by Bureau of Justice Assistance in support of the Deaths in Custody Reporting Act (DCRA).</p>
<p><i>Question design considerations and/or limitations</i></p> <p>BJS limits the count of releases to persons sentenced to more than one year in prison, primarily to differentiate between unsentenced jail inmates and prisoners in the 6 states with combined prison/jail systems.</p> <p>Like the count of admissions, most states interpret escape releases as having occurred from a secure facility, while AWOLs represent persons who walk away from non-secure prison facilities.</p>
<p><i>Proposed statistics obtained from this question</i></p> <ul style="list-style-type: none"> • Total and sex-specific counts of releases from prisons during a calendar year • Number of releases requiring post-custody conditions including community supervision, versus unconditional releases • Number of prisoners who escaped or went AWOL from prison • Number of deaths of prisoners under jurisdiction of states/FBOP
<p>Question 9 – Movement of persons sentenced to more than one year through the state/federal prison system during the data collection year</p>
<p><i>Justification for asking this question</i></p> <p>This question obtains the sex-specific counts of persons sentenced to more than one year under jurisdiction of state or federal correctional authorities on January 1 of the calendar year, December 31 of the calendar year, and the count of admissions and releases that occurred during the calendar year. This acts as a check on questions 2, 7, and 8, and is important to reconstruct the flow of prisoners through the system.</p>
<p><i>Question design considerations and/or limitations</i></p> <p>Except for the January 1 jurisdiction count, these numbers have already been reported on the NPS-1B (question 2a, 7i, and 8i). Few states, however, balance the equation of <i>January 1 population plus Admissions minus Releases = December 31 population</i>. This question alerts states to issues in the data, and they are asked to review and explain the incongruencies when the equation does not balance. As such, it is an important verification of the population counts reported in other questions.</p>

<p><i>Proposed statistics obtained from this question</i></p> <ul style="list-style-type: none"> • Verification that yearend jurisdiction, annual admissions, and annual releases are in line with jurisdiction count reported during the previous year.
<p>Question 10 – The capacity of the state/FBOP-operated prison facilities on December 31 of the data collection year?</p>
<p><i>Justification for asking this question</i></p> <p>The ability for a state or the federal government to house all persons over which it has physical custody is an important metric in determining whether new facilities should be built or old facilities shuttered, governments should enter into contracts with private companies or lease space in local jails if more beds are needed, and in budgeting available bed space in the future. The percent of the total living capacity used has implications for the health and security of prisoners, as well. The Supreme Court established in <i>Brown v. Plata</i> (2011) that California had to reduce its prison population from 200% of the state’s facilities’ design capacity to 137.5% to comply with the Eighth Amendment. The court ruled that overcrowding was the primary cause of the prisoners’ inadequate medical and mental health care.</p> <p>BJS collects three measures of capacity: rated (the number of beds/prisoners assigned by professional rating officials to a state’s facilities); design (the number of beds/prisoners that planners or architects originally intended for facilities to hold); and operational (the number of prisoners that can be accommodate given actual staff, programming, and services inside the facilities). Respondents are asked to sum capacity across the entire prison system, except for bedspace the state/FBOP might lease from private prisons or local jails.</p>
<p><i>Question design considerations and/or limitations</i></p> <p>Many states cannot report all three of the capacity types, and some use definitions that differ slightly from those given by BJS on the NPS form. BJS requests respondents give a detailed description of the capacity measures they use in reports to the governor or state legislature and includes these definitions in the presentation of percent capacity utilized.</p>
<p><i>Proposed statistics obtained from this question</i></p> <ul style="list-style-type: none"> • The total and sex-specific counts of beds for which state/FBOP-operated prison facilities were designed, rated, and/or operated • The percentage of prison beds occupied by state based on maximum and minimum capacities (measures prison crowding)
<p>Question 11 – The number of prisoners under the age of 18 who were in the custody of state/federal operated and privately operated prison facilities on December 31 of the data collection year, by sex</p>
<p><i>Justification for asking this question</i></p> <p>While the number of persons under the age of 18 in custody of state and federal publicly and privately operated prison facilities fell to 352 in 2020, it was ten times that in 2000, when BJS began collecting the data in the NPS-1B (3,892 persons). The number of juveniles held in adult facilities has long been an area of interest to the public, advocacy groups, state and federal legislators, and the Supreme Court,</p>

which used BJS statistics in considering the question of whether persons aged 18 or less should be sentenced to life in prison. The NPS-1B has allowed BJS to document the decline of juveniles in adult custody in a systematic fashion.
<i>Question design considerations and/or limitations</i>
<p>Unlike questions on race/Hispanic ethnicity and prison admissions and releases, the enumerations of juveniles and non-U.S. citizens on the NPS-1B request respondents only count persons in their custody, not under their jurisdiction. This is to prevent double counting with BJS's Annual Census of Jails, which also collects these measures.</p> <p>Starting with the 2017 data collection year, with OMB approval, BJS added notes to ensure respondents included juveniles held in private prisons in their counts. This had not been explicitly stated in the NPS-1B data collection form prior to collection of the 2017 data, but a canvas of 9 states at the time indicated that all had interpreted the question to include private prisons.</p>
<i>Proposed statistics obtained from this question</i>
<ul style="list-style-type: none"> • The total and sex-specific counts of prisoners under the age of 18, by state/BOP • The percent of the custody plus private prison population represented by prisoners under the age of 18, by state
Question 12 – The number of prisoners who were U.S. citizens, non-U.S. citizens, and of unknown citizenship, who were in the custody of state/federal operated and privately operated prison facilities on December 31 of the data collection year, by sex
<i>Justification for asking this question</i>
Public interest in the number of non-U.S. citizens in state and federal prisons has increased over the past decade, despite issues with data quality (see below).
<i>Question design considerations and/or limitations</i>
<p>Five states did not submit data on citizenship to the 2020 NPS-1B collection, and several other states notified BJS that they had reservations as to the quality of their data. In particular, several mentioned that country of birth was often used as a proxy for current citizenship. Of the 46 jurisdictions that submitted data on non-citizens in prison in 2020, 39 indicated that they relied at least in part on prisoner self-report to determine non-U.S. citizenship. Twenty-four used law enforcement or court documents alone or in concert with prisoner self-report to determine non-U.S. citizenship, and 23 made some effort to verify citizenship status by consulting other government agencies, including Immigration and Customs Enforcement.</p> <p>The count of non-U.S. citizens is similar to the measure of persons under the age of 18 in prison in that it requests the number of people in a jurisdiction's custody and private prison facilities. As with juveniles, this is to prevent double counting that could occur since non-U.S. citizens in local jails are measured by the ASJ. Despite BJS's request to specifically exclude non-U.S. citizen prisoners held in local jails, 18 jurisdictions mentioned in their survey-end notes that they had based non-U.S. citizen counts on their full jurisdiction populations. Eight additional jurisdictions mentioned that they included jails in their custody counts. This made calculating the percentage of non-U.S. citizens in custody impossible, since BJS was not sure how</p>

<p>many other states had included jails in their “custody” counts.</p> <p>While BJS expanded the number of questions on non-U.S. citizens in state and federal prison on the 2018-2020 NPS-1B data collection forms, the questionable quality and comparability of the non-U.S. citizen data has caused BJS to reevaluate. With OMB’s approval in 2021, BJS returned to asking jurisdictions to report the number of non-U.S. citizens held in publicly or privately operated prison facilities, but also provided check boxes for states to report the base population from which they were drawing the count of non-U.S. citizens (Question 13). This allows BJS to more accurately calculate the percentage of non-U.S. citizens in each jurisdiction.</p> <p>BJS will continue to monitor the quality of data submitted for this question and may choose to remove the question from the NPS-1B in the future if more states do not submit, or submit questionable counts.</p>
<i>Proposed statistics obtained from this question</i>
<ul style="list-style-type: none"> The total and sex-specific counts of non-U.S. citizens and persons of unknown citizenship, by state
Question 13 – The prison population on which the estimates in Question 12 are based
<i>Justification for asking this question</i>
<p>In order to more accurately calculate non-U.S. citizens as a percent of the entire prison population, BJS needed to know the base population from which the count of non-citizens in Question 12 was drawn. BJS asked respondents to use the custody of state/federal prison facilities and those in private facilities, but enough states reported in their NPS-1B form note space that they were using a different base population, that BJS decided to add Question 13 to ensure that it was not missing states that simply chose not to note differences.</p>
<i>Question design considerations and/or limitations</i>
<p>BJS provided respondents with the most commonly stated possibilities and asked them to check the box that most accurately described the base population on which non-citizens were counted. In addition, BJS referred to the exact custody and jurisdiction populations in Questions 1 and 2, so that respondents could use these as a reminder about how BJS measures prison populations.</p>
<i>Proposed statistics obtained from this question</i>
<ul style="list-style-type: none"> Non-U.S. citizens as a percentage of prison population, by sex and state

External Use of NPS Data

BJS first made the NPS data available to the public through an online data tool called the Corrections Statistical Analysis Tool – Prisoners (CSAT) on the BJS website (<https://csat.bjs.ojp.gov/>) in July 2013. Each year since, updated data have been released in the tool and in April 2022, BJS incorporated NCRP data into the CSAT tool. More detailed information, like offense type, time served, sentence length, and age was drawn from the NCRP and weighted to the NPS state totals to expand the utility of the tool. The revised CSAT tool also has a map query that can calculate percent change in measures over time so that users do not

need to make these calculations. All charts, tables, and maps can be downloaded and saved, and the tool was designed to work on all electronic formats.

CSAT users have taken advantage of the advanced and map queries, focusing on the admission and yearend populations disaggregated by offense and sentence length. Between August 2024 (when BJS [announced](#) that the tool was updated) and June 8, 2025, the CSAT data tool and associated files generated 35,793 page views across 18,803 sessions, with an average duration of 7 minutes 41 seconds per session. The breakdown for 2025 alone so far is: 12,078 views, 8,020 sessions, with an average duration of 6 minutes 5 seconds per session.

In 2013, BJS archived NPS data for public use for the first time at the National Archive of Criminal Justice Data (NACJD). In subsequent years, updated data have been archived within 2 months of publication of each *Prisoners* report (the most recent data available are 1978 – 2022: <https://www.icpsr.umich.edu/web/NACJD/studies/38871>, and the 2023 data are at the archive awaiting processing). Since the NPS consists of aggregate counts of prisoners, the NACJD disclosure review board judged the collection had no danger of identifying individuals, and so gave it the most permissive level of restriction, fully open access to the public.

ICPSR makes usage reports available for each collection. The 1978-2022 data were released on January 10, 2024, and through the end of May 2025, 1,127 unique users visited the data landing site and 776 downloaded the data. Users included university faculty and graduate and undergraduate students from the U.S., Canada, Israel, Germany, Scotland, and other countries. The data were downloaded by users at 147 distinct academic institutions and several policy organizations including the RAND Corporation and the Pew Charitable Trusts. The Federal Reserve Board of Governors also downloaded the NPS data.

Multiple nonprofit and policy organizations utilize NPS data to create online fact sheets and data tools. Notable examples include the Sentencing Project ([Criminal Justice Facts | The Sentencing Project](#)), the Vera Institute for Justice ([Causes of Mass Incarceration | Vera Institute](#)), Justice Policy Institute ([Research Archive - Justice Policy Institute](#)), the Prison Policy Initiative ([Data toolbox | Prison Policy Initiative](#)), and the Brennan Center for Justice ([Cutting Jail & Prison Populations | Brennan Center for Justice](#)). These organizations incorporate NPS data to support their analyses and recommendations on sentencing, incarceration trends, and justice reform.

The annual release of the *Prisoners* report often attracts media coverage from major news outlets such as The Washington Post, The New York Times, and the Associated Press. In the past year, several additional media organizations have referenced BJS's Prisoners web tool or archived data, including Time Magazine, ABC News, 60 Minutes, The Marshall Project, and VICE Media. These references underscore the report's significance in informing public discourse on incarceration trends and criminal justice policies.

NPS data have also been used extensively by researchers from a variety of academic fields including criminology, economics, public health, and demography. A bibliography of published research using NPS data in the past year is located in **Appendix 4**.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

The NPS-1B and NPS-1B(T) surveys are emailed to each respondent with a letter requesting participation and information on how to report online using the web form. In 2024, all respondents submitted their 2023 data on the web. In 2025, all respondents are encouraged to submit data via the secure website operated by BJS' data collection agent for NPS.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item A.2 above.

This research does not duplicate any other questionnaire or work being done by any other Federal agencies. BJS is the only Federal government agency that collects comparable data on prisoners in State and Federal correctional facilities.

The NPS collection complements other BJS data collections on prisons and prisoners, including the National Corrections Reporting Program (NCRP), the Survey of Prison Inmates (SPI), the National Inmate Survey (NIS), and the Census of State and Federal Adult Correctional Facilities (CCF).

The NCRP collects annual individual-level administrative records on all admissions and releases to and from the custody of state prisons, as well as records for prisoners in custody on December 31. Information collected in NCRP includes sentencing and offense characteristics and demographic data. During the past three years, BJS has invested much time and effort in improving not only the quality and usefulness of the data, but also the number of states participating in this voluntary collection. In 1983, the first year NCRP was collected, 32 states provided data. This increased to 38 states in 1993, and 41 in 2003. Since 2010, BJS has received NCRP data from at least 47 states, and during 5 of those years, all states provided at least some NCRP data. Starting in 2018, three states (Michigan, New Mexico, and Oregon) have had difficulty submitting NCRP data due to staffing and OMS issues. All three states are actively engaged with BJS and say that they intend to submit multiple years of data when they have the opportunity to run the data extraction in the future. BJS is still receiving NCRP data for 2024 (41 states have submitted data through the beginning of June 2025).

Although the NCRP is not yet a complete representation of the state prison population, and captures the custody, rather than the jurisdiction population in state prisons, BJS can compare the data from the NCRP to NPS on population flows and make national estimates with greater confidence. NCRP also provides information that NPS does not capture, in particular the offense, age and expected release date of prisoners. These variables allow BJS to publish annual distributions of offense and age, as well as length of stay estimates that can be applied to the aggregate totals obtained from NPS.

The SPI is an omnibus survey conducted periodically within a nationally representative sample of prison facilities and prisoners to obtain information on specific topics including criminal history, socioeconomic conditions, drug and alcohol use and treatment, mental health and medical problems, and participation in prison programming. The survey was conducted every 5-6 years through 2004, but the introduction of the NIS and its associated burden on prison facilities forced BJS to refrain from fielding another iteration of SPI until January of 2016. Since SPI is designed to be nationally representative, BJS applies the distribution of various prisoner characteristics and demographics from this survey to the NPS population control totals by sex to produce national level estimates for the prison population. In addition, the self-reported race and ethnicity distributions collected during SPI are used to correct estimates obtained through NPS/NCRP administrative data. This is particularly useful since several states' data management systems do not contain all federally defined racial categories, and few allow for the capture of multiple individual races beyond "two or more races."

The NIS is a collection that meets the requirement of the Prison Rape Elimination Act (PREA; P.L. 108-79) to produce facility-level estimates of sexual victimization by staff or other prisoners. The NIS has been fielded four times to date, in 2007, 2008-2009, 2011-2012, and 2023-2024. Field staff conduct interviews with prisoners held in a 10% sample of the nation's prisons using an audio computer-assisted self-interview (ACASI) technique that utilizes a touchscreen laptop and audio feed to maximize respondent confidentiality and minimize literacy issues. While it is not feasible to interview every prisoner in the country, the estimates generated from the NIS can be weighted to the national prison population figures obtained in the NPS to estimate the prevalence of sexual victimization in facilities across the nation.

Finally, the Census of Correctional Facilities (CCF) is a survey of all state and federal prison facilities in the nation conducted approximately every five to seven years. The CCF provides detailed information on the types of prisoners housed, facility age and type, security level, court orders, programs, health and safety conditions, confinement space, employment, and operating costs. The CCF also furnishes the sampling frame for the SPI and the NIS. The collection, in conjunction with the NPS information, allows for a more detailed examination of the conditions, treatment, and safety of the prison population at a facility, state, and national level. BJS fielded the latest iteration of CCF in August 2024.

The Criminal Justice Administrative Records System (CJARS) is a group of researchers working with the U.S. Census Bureau and University of Michigan and funded by external foundations to assemble criminal justice records into a national repository. The data are collected from the web as well as provided by certain state and local governments. Because these are individual-level records, CJARS most closely resembles NCRP, but contains some court, jail, probation, and parole records for select states. CJARS does not currently produce statistical reports summarizing the national prison population as NPS-1B does.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The NPS instrument has been designed to capture the data required to describe the U.S. prison population with the least amount of burden to correctional authorities. Respondents are offered the opportunity to submit their data via fax if it would be more burdensome for them to enter the data on the online portal. This research does not involve small businesses.

6. Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The NPS data are collected annually. Less frequent collection of the data would introduce the first break in series since the inception of NPS in 1926 and greatly limit BJS's capability to measure changes in the prison population and track the decline that started in 2009. All collections that rely on NPS data for official prison population counts (including Capital Punishment, National Corrections Reporting Program, National Inmate Survey, and Survey of Prison Inmates) would be forced to use older data to calculate mortality and imprisonment rates and weight survey data to the national totals. In addition, all annually reported measures of change in sex, race, age, and offense (and cross-classifications of these groups) composition of prison populations would be put at risk, as BJS would have to rely on older data and some type of weighting or estimation routine that might be insensitive to changes within any combinations of groups for which BJS produces these estimates.

Restarting data collection after a year's furlough would be costly and difficult. Less frequent collection of data would impose burden on respondents who have set up computerized methods to generate the NPS data. In some states, data on admissions into and releases from prison are updated in real time, and if aggregations of annual admissions and releases for NPS were requested on a schedule other than annual, some states would only be able to provide records for those prisoners being admitted or released for the most recent twelve months.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**

- **requiring the use of statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

BJS is seeking an exception to comply with the 2024 Statistical Policy Directive No. 15 (SPD 15) revisions in the NSP. BJS currently captures race and ethnicity data on the NPS survey using the existing standards outlined in the 1997 SPD 15. Under this approach, race and ethnicity are reported as separate categories, with limited response options that do not reflect the variety of the U.S. population. In alignment with the revised 2024 SPD 15 – which calls for a combined race and ethnicity question and the inclusion of more detailed response categories – BJS plans to cognitively test a new format for collecting the revised race and ethnicity data in establishments that report proxy aggregate counts. This testing will assess data providers' understanding and interpretation of the revised questions, ensuring that the updated methodology yields accurate and comprehensive demographic information for individuals held in state and federal prisons. In addition, BJS will assess the availability of more detailed race and ethnicity information within the respondents' data systems to evaluate feasibility of collecting detailed race and ethnicity. This work will be done as part of a larger effort to cognitively test 2024 SPD 15 in law enforcement agencies, jails, and prisons, which will be submitted under the BJS OMB generic clearance (OMB Control Number 1121-0339, exp. 01/31/2028) at a later date.

BJS estimates that cognitive testing will be done in 2026 and the minimum 2024 SPD 15 race and ethnicity categories will be able to be incorporated into the NPS form for the 2026 data collection. BJS does not anticipate being able to collect detailed race and ethnicity categories on this collection since it captures aggregate counts via proxy. Collecting aggregate counts for all detailed categories would be overly burdensome to respondents and would not warrant sufficient cell sizes for reporting.

There are no other special circumstances in conducting this information collection. Collection is consistent with the guidelines as listed in 5 CFR 1320.6. These data will be collected in a manner consistent with the guidelines in 5 CFR 1320.6.

8. If applicable, provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

- **Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and**

recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

- **Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection-of-information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained**

The research under this clearance is consistent with the guidelines in 5 CFR 1320.8(d). The 60-day notice for public commentary was published in the Federal Register, Volume 90, Number 140, pages 34885-34887 on July 24, 2025 (**Appendix 5**). BJS advertised this notice on its webpage and social media feeds. The comment period ended on September 22, 2025. BJS received two comments, one from Seth Galanter requesting information on Supporting Statement A and the survey instrument, and one from Dr. Jaquelyn Jahn of Drexel University requesting that the HIV/AIDS section be added back to the NPS survey (**Appendix 6**). BJS does not share supporting statements with the public until they are visible in Reginfo.gov. Links to the active package were provided, along with a copy of the current survey instrument. The HIV/AIDS section will not be permanently added back to the instrument to make the NPS more flexible and responsive to other correctional policy issues and reduce the high burden this section places on NPS respondents, while acknowledging the stability in this data over the past decade.

The 30-day notice for public commentary was published in the Federal Register following the expiration of the 60-day comment period (**Appendix 7**).

9. Explain any decision to provide any payments or gifts to respondents, other than remuneration of contractors or grantees.

No gifts or incentives will be given.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Under Title 34 of the United States Code, § 10231, BJS collects NPS data for statistical purposes only. NPS data are 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. Data are collected at the level of the responding jurisdictions, and respondents are notified that BJS will publish the aggregate counts provided. BJS does not ask for or receive data from individual prisons in the collection, but rather from the central department of corrections, so no single facility is submitting data to be published separately. No individually identifiable information is provided. All counts are aggregated and cannot be attributed to an individual. NPS data are maintained under the security provisions outlined in U.S. Department of Justice regulation 28 CFR §22.23. The [BJS Data Protection Guidelines](#) provide more detailed information on how BJS and its data collection agents will use and protect data collected under BJS's authority.

Respondents are informed in the cover letter that participation in this data collection effort is voluntary.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

Not applicable. There are no questions of a sensitive nature included in the NPS series.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. General, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

There are 56 respondents in the NPS data collection universe; the 50 states departments of corrections (DOCs), the Federal Bureau of Prisons (FBOP), and the departments of corrections from the U.S. Territories of Guam, the U.S. Virgin Islands, and American Samoa, and the Commonwealths of Puerto Rico and the Northern Mariana Islands. BJS contacts each jurisdiction in mid-December by email (**Appendix 8**).

It is estimated that each of the 50 states and FBOP respondents will use 4.5 hours to complete the NPS-1B form each year (**Appendix 2**). Additional burden is not anticipated for any years during this of the clearance period, since states run the same analysis each year, only changing the dates for data extraction.

Data are collected through a secure online website (screenshots from the 2024 collection in **Appendix 9**), and 20 minutes is allotted for non-response follow-up emails (**Appendix 10**), or to clarify any responses that are unclear. Since there are no major changes to the NPS-1B form and all participants are familiar with the survey, we anticipate there will be little follow-up contact required. Finally, 10 minutes of burden are added for the state DOCs and FBOP to review and

approve their data in 5-10 final tabulations of the jurisdiction-level data, provided by BJS.

The NPS-1B(T) form (**Appendix 3**) used by the territories and commonwealths is shorter, so it is estimated respondents will require 2 hours to complete the survey, inclusive of non-response follow-up emails and final tabulation review. There will be no changes to the NPS-1B(T) form.

Table 2. Annual burden of NPS-1B and NPS-1B(T) 2025, 2026, 2027 collections (data collected in calendar years 2024, 2025, 2026)

Jurisdiction & Form	Activity	Number of Respondents	Freq.	Time Per Response (minutes)	Total Annual Burden (hours)	Hourly Rate*	Monetized Value of Respondent Time
State departments of corrections and the Federal Bureau of Prisons (NPS-1B)	Assemble and report data	51	1	270	229.5	\$38.50	\$8,835.75
	Non-response follow-up contact, clarification questions (if needed)	51	1	20	17	\$38.50	\$654.50
	Review and approve final data tabulations	51	1	10	8.5	\$38.50	\$327.50
U.S. Territories and Commonwealths (NPS-1B(T))	Assemble and report data	5	1	100	8.3	\$38.50	\$319.55
	Non-response follow-up contact, clarification questions (if needed)	5	1	15	1.3	\$38.50	\$50.05
	Review and approve final data tabulations	5	1	5	0.4	\$38.50	\$15.40
TOTAL		56			265		\$10,202.75

The total burden estimate for the 2025, 2026, and 2027 NPS-1B and NPS-1B(T) collections is 795 hours (265 hours for each year). This has reduced from the last application for OMB clearance.

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- The cost estimate should be split into two components: (a) a total capital and start up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of service component. The estimates

should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which

- costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

Respondents will incur costs associated with their time to respond. The information requested is normally maintained electronically as administrative records in state departments of correction. BJS estimates a cost of \$38.50 per hour for respondent time (based on Bureau of Labor Statistics averages from the Current Population Survey for persons with advanced degrees). In each calendar year of NPS-1B collection (2026, 2027, 2028), the cost for the 4.5 hours burden to complete the NPS-1B is estimated at \$175 for each state and the FBOP per year. This totals \$8,925 for each year of data collection, or \$26,775 for the 3 years under consideration.

The estimated annual cost for completing the NPS-1B(T) for each of the 3 years is \$77 per territory, or a total of \$385 for all territories per year. For all 3 years, the cost of the NPS-1B(T) is \$1,155 for the territories.

The estimated cost burden for all 51 respondents of the NPS-1B and 5 respondents of the NPS-1B(T) is \$9,310 per year. For the 3 years of data collection (calendar years 2026, 2027, and 2028), total burden costs are \$27,930.

14. Provide estimates of the annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 into a single table.

The cost to the Federal Government for the collection and dissemination of NPS-1B data is estimated to be \$192,179 for fiscal year 2026. These figures are based on the approved collection

budget and 2025 General Schedule (GS) Locality Pay tables (when specific step was unknown, it was assumed to be Step 5 of the GS level). Costs for fiscal years 2026, 2027, and 2028 may be slightly higher adjusting for wage increases.

\$100,000 – Abt Global

\$70,000 for data collection, data processing, and program management

\$19,550 for computer programming, providing BJS with publication-ready tables and final datasets

\$10,450 in miscellaneous charges, telephone calls, company server computer expenses

\$92,179 - Bureau of Justice Statistics

15% GS-11, Statistician (\$17,252)¹⁵

5%, GS-15, Supervisory Statistician (\$9,475)

2% GS-15, Chief Editor/Supervisory statistician, (\$3,790)

5% GS-14, Editor (\$8,075)

2% GS-12, Designer (\$2,299)

2% GS-14, Information Technologist (\$3,230)

5% GS-14, Information Technology Specialist (\$8,075)

2% GS-9, Information Specialist (\$1,585)

Senior BJS Management (\$8,840)

Fringe benefits (@28% of salaries - \$17,534)

Other administrative costs (@15% of salary & fringe \$12,024)

The total cost to the government for three years of NPS data collection will be approximately \$577,000.

15. Explain the reasons for any program changes or adjustments.

There is a reduction in the burden hours requested for this collection due to the removal of the HIV-related questions on the NPS-1B form. These items may be included with other health-related questions in periodic supplements as part of the NPS program. If it is determined that HIV-related items should be administered during this clearance period, BJS will submit a substantive change request to OMB.

16. For collections of information whose results will be published, outline plans for tabulations, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

To make the NPS data available to the public in a timelier fashion, BJS is attempting to release its annual *Prisoners in YYYY* statistical tables in September or October as opposed to November or December. This will be accomplished by doing increased email encouragement of late respondents to report as soon as possible, and by producing bulleted statistical tables instead of

¹⁵ G.S. locality pay table is “Rest of United States.”

text-heavy reports. During the next three years, BJS expects to publish the following standard reports using NPS data:

Tentative report title	Anticipated publication month and year
<i>Prisoners in 2025 – Statistical Tables</i>	December 2026
<i>Correctional Populations in the United States, 2025</i>	January 2027
<i>Prisoners in 2026 – Statistical Tables</i>	December 2027
<i>Correctional Populations in the United States, 2026</i>	January 2028
<i>Prisoners in 2027 – Statistical Tables</i>	December 2028
<i>Correctional Populations in the United States, 2027</i>	January 2029

Annual NPS data will be added to the Corrections Statistical Analysis Tool – Prisoners (CSAT-Prisoners) on the BJS website concurrent with the NCRP data from the same year.

Within 2 months of publication of the *Prisoners in YYYY* bulletins each year, BJS will submit the NPS data to NACJD for archiving. Dependent on NACJD workload, the NPS data should be released to the public within 3-6 months of the publication of the annual *Prisoners* report.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We are requesting no exemption.

18. Explain each exception to the certification statement.

This collection of information does not include any exceptions to the certificate statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

This collection contains statistical data.

List of Appendices

Appendix 1. The Omnibus Crime Control and Safe Streets Act of 1968

Appendix 2. National Prisoner Statistics Program: NPS-1B 2025 data collection form

Appendix 3. National Prisoner Statistics Program: NPS-1B(T) 2025 data collection form

Appendix 4. Bibliography of works citing the National Prisoner Statistics Program from January 2024 to present

Appendix 5. 60-day federal register notice

Appendix 6. Public comments on 60-day federal register notice

Appendix 7. 30-day federal register notice

Appendix 8. National Prisoner Statistics Program: Email to survey respondents and letter from BJS to accompany the 2025 data collection form

Appendix 9. National Prisoner Statistics Program: Screenshots of 2024 NPS-1B secure web data collection tool

Appendix 10. National Prisoner Statistics Program: Non-response follow-up email