



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Washington, D.C. 20531

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SUBJECT: BJS request to conduct interviews with local jails to assess the feasibility of developing a jail administrative record collection under the OMB generic clearance agreement (OMB Control # 1121-0339)

DATE: October 14, 2020

The Bureau of Justice Statistics (BJS) is requesting clearance under the OMB generic clearance agreement (OMB Control # 1121-0339) to conduct a feasibility study to understand the issues involved in developing an individual-level, inmate administrative record collection from local

jails across the country. The results of this study will be used to determine if it will be feasible for BJS to pursue a future pilot study to collect data from a limited number of jails in the coming years. A separate OMB clearance would be submitted for that pilot study. The goal of the pilot study is to better understand the appropriate design and other challenges that would be encountered if BJS determines it is feasible and necessary to pursue a national collection.

BJS's data collection agent for this feasibility study, Abt Associates (Abt), will conduct the study on behalf of BJS during the fall of 2020. BJS will work together with Abt to recruit up to 25 jails of varying characteristics to participate in telephone interviews to learn about their administrative record systems and the possibility of providing data elements from their systems to BJS. The feasibility study will inform BJS on how jails use inmate case management systems to track inmates and their movements, what individual-level data elements are available from these systems, and what technical, legal, and confidentiality issues would be involved with jails sharing their administrative records directly with BJS. The total burden is estimated at 75 minutes per interview, including 10 minutes for scheduling each interview, or a maximum of 31.25 hours for 25 respondents.

Justification

BJS currently obtains data on the local jail population through establishment censuses and surveys, specifically the Census of Jails (OMB Control # 1121-0100) and Annual Survey of Jails (OMB Control # 1121-0094), and personal interview surveys, specifically the Survey of Local Jail Inmates (SILJ, OMB Control # 1121-0098) and the National Inmate Survey (OMB control # 1121-0311). BJS would like to explore the feasibility of developing a collection of inmate-level jail administrative records, analogous to BJS's National Corrections Reporting Program (NCRP, OMB Control # 1121-0065) which collects prisoner-level administrative records from state departments of corrections. A jail administrative record collection would have several significant advantages over BJS's current jail collection vehicles. First, it would allow BJS to obtain data that are difficult to aggregate and therefore impractical to collect through jail establishment surveys, such as information on bail, offense/charge, and detailed inmate demographic and case characteristics. Second, it would allow BJS to collect data on the detained pretrial population, a group that Congress asked BJS to focus on in recent appropriations bills, but is difficult to sample through inmate self-report surveys due to their fast turnover in jail. Third, it could provide individual identifiers to link jail inmates to other administrative records, such as the NCRP or records of arrest and prosecution (i.e., RAP sheets), for conducting recidivism studies among jail inmates.

In the spring of 2020, BJS was tasked with collecting information specifically on the pretrial jail population by the Subcommittee on Commerce, Justice, Science, and Related Agencies:

The Committee directs the Bureau of Justice Statistics (BJS) to collect information analyzing the population of individuals detained pretrial in local jails, State and Federal facilities, and private facilities under contract to Federal, State, and local authorities and report back to the Committee within 180 days of the date of enactment of this Act. The report should include the number of individuals detained pretrial; the median duration of the pretrial detention period; the number of individuals detained pretrial who were offered financial release or not offered financial release; and the

number of individuals who were offered financial release but remained detained because they could not pay the amount required. All data should be disaggregated by demographic and the level of the offense charged.

Detailed data on the pretrial jail population as requested by the Subcommittee are extremely difficult to obtain through BJS's existing jail collection vehicles, but may be attainable through an inmate-level administrative record collection. The proposed feasibility study is key to understanding how BJS can fulfill the Congressional reporting requirement on the pretrial population, including information on disposition on a criminal record, duration of the pretrial detention period, bail amount, charge types or codes, etc.

The proposed feasibility study is an extension of prior BJS's efforts at exploring a jail administrative record collection. In 2017, as part of the redesign of the SILJ, BJS conducted a small pre-test, the Survey of Jail Administrative Records (SJAR), to determine whether BJS could obtain individual-level jail administrative records on inmates sampled for the SILJ survey. The goal was to potentially allow BJS to reduce total respondent burden and interview length, by obtaining the data more efficiently from jails if the inmate records were already part of the administrative records maintained by the jails. During the SJAR pre-test, BJS selected 40 local jails of various sizes to assess whether specific data elements were collected through their inmate management systems, and whether and how the facilities could provide data for the specific elements to BJS. Only 25 jails responded to the survey, and the percentage of jails that could provide individual-level administrative data to BJS ranged from 93% for individual demographic and current commitment characteristics, to 64% for sentencing information. Ultimately, BJS did not field the full SJAR due to the low response rate to the pre-test and a lack of resources to sample more jails.

Unlike the SJAR pre-test, which aimed to collect specific data elements to supplement the self-report data BJS is planning to collect through the SILJ in 2022, the current study is broader in scope and the goals are different. This project will explore the feasibility of developing an individual-level jail administrative record collection in the long term, which if feasible, could eventually become a core BJS jail collection.

Feasibility Study Design and Procedure

The purpose of the proposed feasibility study is to learn about inmate case management systems used by jails to track inmates and their movements, what individual-level data elements are available from these systems, and what technical, legal, and confidentiality issues would be involved with jails sharing their administrative records directly with BJS. To conduct the feasibility study, BJS will reach out to selected jails to gain participation, and Abt will conduct interviews on the phone with a jail representative selected by the jail administrator, and submit a report to BJS that summarizes the findings.

Sample Design

Convenience sampling will be used to select jail respondents from the approximately 3,000 jail facilities in the United States, which were enumerated in BJS's 2019 Census of Jails (OMB Control # 1121-0100). The goal is to recruit 20-25 jails that vary in average daily inmate

population (e.g., 1-49 inmates, 50-249, 250-999, and 1000+), geographic diversity (state and region), and community size (rural and urban). To account for nonresponse, fifty jails will be contacted to yield interviews with a maximum of 25.

Schedule

In September and October, BJS and Abt will work on the selection of 50 jails while awaiting OMB review. Upon receiving OMB approval, outreach to jails will begin. First, an invitation letter with a FAQ will be sent by BJS via email for fast delivery (see Attachment A. Communications). A duplicate letter will be mailed to ensure that the jails will also receive a formal hardcopy invitation. The FAQ will provide further information on BJS and Abt, topic areas of questions that will be asked during the interview, how the information provided will be used by BJS, and the confidentiality and security provisions that govern information collected by BJS. After the invitation letter is sent, BJS will follow up with the jail administrators by email or phone as needed to encourage participation in the study (see Attachment A. Communications). Follow-up efforts will target jails according to their characteristics, to ensure a variety of up to 25 jails participate. Once a jail has agreed to participate, BJS will connect the jail’s contact person with Abt to schedule the interview.

From October through December, Abt will work with participating jails to schedule the phone interviews, conduct semi-structured interviews with up to 25 participating jails (see Attachment B. Interview Guide), transcribe the interviews, and analyze interview transcription by coding key themes by jail group. Abt will submit a draft report to BJS summarizing the findings from the interviews and outlining possible next steps in December 2020. After BJS review, the final report will be submitted to BJS in January 2021 for approval. During the project performance period, Abt will track progress and contacts with jails with a spreadsheet and share weekly updates with BJS.

Table 1. LJRP Feasibility Study Schedule	
October, 2020	Compile sample while awaiting OMB review
October, 2020	Upon OMB approval, begin outreach to jails to gain participation
October – December, 2020	Conduct interviews after obtaining OMB approval; transcribe responses; code key themes by group; write draft report
December, 2020	Submit draft deliverables to BJS for review
January, 2021	Finalize all deliverables with BJS approval

Information to Be Collected

Experienced interviewers with jail studies will follow a semi-structured guide (see Attachment B. Interview Guide) when conducting the phone interviews. After a scripted introduction is read to the respondent, interviewers will gather information in three areas:

1. Jail management system characteristics, including system vendor, software product name, the jail's usage of the system, types of offenders, and movements tracked by the system.

2. Availability of individual data elements, including personal identifiers and characteristics, arrest and initial court appearance dates, offenses charged, details on bail offered, pretrial release, holds for other agencies, court dispositions and sentences, and release types and dates.

3. Jail's capability and burden to share individual-level data with BJS, including whether the jail can legally provide data to BJS for statistical and research purposes, the jail's administrative process for sharing data, and estimated burden to create individual-level data extracts.

Interviewers will take notes while conducting the phone interviews, but will not record the conversation.

Burden Hours

BJS estimates that it will take 75 minutes per jail to complete the feasibility study, including about 10 minutes to schedule the interview and about 65 minutes to complete the phone interview. The total respondent burden is estimated at 31.25 hours for up to 25 jail respondents.

Data Security and Confidentiality

The interviews are not intended to collect information on individuals or ask for information that would be considered sensitive in nature. As such, the activities associated with this feasibility study are not considered human subjects research. The beginning of the interview contains an informed consent specifying that participation is voluntary and that respondents may decline to answer any and all questions and may stop their participation at any time. The results of the study will inform BJS about the feasibility of developing a future pilot study and possibly a jail administrative record collection. Individual jail responses collected from this study will not be published or released.

The only personally-identifiable information to be collected will be the names and contact information of the jail representative answering the questions. Because the interview will elicit factual information about the jails' inmate management systems and procedures for data sharing, and the only human subjects data collected are respondent name and contact information for any follow-up questions, the Internal Review Board for Abt has determined that the data collection does not involve human subjects research. All information obtained during the interview will be maintained on secure servers at BJS and Abt, and will not be shared with third parties.

As outlined in BJS's Data Protection Guidelines^[1], BJS maintains a robust IT security program in compliance with the DOJ Cybersecurity Program and the DOJ IT Security Rules of Behavior (ROB) for General Users to facilitate the privacy, security, confidentiality, integrity, and

^[1] https://www.bjs.gov/content/pub/pdf/BJS_Data_Protection_Guidelines.pdf

availability of BJS computer systems, networks, and data in accordance with applicable federal and Department policies, procedures, and guidelines.

Technical control of the data is maintained through a system of firewalls and encryption. Data obtained from this feasibility study will be stored in a computer file on BJS's secure hard drive behind the DOJ's firewall. The secure drive will be created specifically for the project and limits access to only those BJS staff who work on the study. The BJS information technology specialist assigns permissions to staff involved in the project to access the secure drive. Access is removed if staff discontinue work on the project, and a username and password verification are required to log on to the BJS computer system. All DOJ employees are required to undergo annual computer security training as well as periodic background investigations.

All BJS data are physically stored in a secure building in Washington, DC which houses DOJ's Office of Justice Programs (OJP, which includes BJS). The building is staffed 24 hours a day, 7 days a week by armed guards, and employees must pass through an electronic badge swipe and subsequent acknowledgement of their photograph by a guard. Visitors must be sponsored by DOJ employees, submit to a metal detector test and video surveillance, wear a visitor's badge, and provide information that is recorded in a central log book. Servers containing BJS data are stored in a locked room secured by a personal identity verification management system with access limited to OJP information technology personnel. OJP has an intrusion detection system in the room housing the OJP servers. Should any data need to be stored on CD-ROMs, they reside in a locked office to which only the BJS director and deputy directors have key access, and all data use in this room is logged.

Should BJS decide to destroy data in the future, it will follow all federal government guidelines regarding the technical and physical wiping of data from servers, and any CD-ROMs or paper documents that may exist will be cross-cut shredded.

BJS data collection agents and contractors are similarly required to maintain the appropriate administrative, physical, and technical safeguards to protect identifiable data and ensure that information systems are adequately secured and protected against unauthorized disclosure.

Contact Information

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

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Attachments

Attachment A. Communications
Attachment B. Interview Guide