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Appendix 1:

The Omnibus Crime Control and Safe Streets Act of 1968

DERIVATION

Title I

THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968
(Public Law 90-351)

42 U.S.C. § 3711, *et seq.*

AN ACT to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

As Amended By

THE OMNIBUS CRIME CONTROL ACT OF 1970
(Public Law 91-644)

THE CRIME CONTROL ACT OF 1973
(Public Law 93-83)

THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974
(Public Law 93-415)

THE PUBLIC SAFETY OFFICERS' BENEFITS ACT OF 1976
(Public Law 94-430)

THE CRIME CONTROL ACT OF 1976
(Public Law 94-503)

THE JUSTICE SYSTEM IMPROVEMENT ACT OF 1979
(Public Law 96-157)

THE JUSTICE ASSISTANCE ACT OF 1984
(Public Law 98-473)

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE ACT OF 1986
(Public Law 99-570-Subtitle K)

THE ANTI-DRUG ABUSE ACT OF 1988
TITLE VI, SUBTITLE C - STATE AND LOCAL NARCOTICS CONTROL
AND JUSTICE ASSISTANCE IMPROVEMENTS
(Public Law 100-690)

THE CRIME CONTROL ACT OF 1990
(Public Law 101-647)

BRADY HANDGUN VIOLENCE PROTECTION ACT
(Public Law 103-159)

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994
(Public Law 103-322)

NATIONAL CHILD PROTECTION ACT OF 1993, AS AMENDED
(Public Law 103-209)

and

CRIME IDENTIFICATION TECHNOLOGY ACT OF 1998
(Public Law 105-251)

BUREAU OF JUSTICE STATISTICS
CHAPTER 46 - SUBCHAPTER III
[TITLE I - PART C]

42 USC § 3731 [Sec. 301.] **Statement of purpose**

It is the purpose of this subchapter [part] to provide for and encourage the collection and analysis of statistical information concerning crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system and to support the development of information and statistical systems at the Federal, State, and local levels to improve the efforts of these levels of government to measure and understand the levels of crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system. The Bureau shall utilize to the maximum extent feasible State governmental organizations and facilities responsible for the collection and analysis of criminal justice data and statistics. In carrying out the provisions of this subchapter [part], the Bureau shall give primary emphasis to the problems of State and local justice systems.

42 USC § 3732 [Sec. 302.] **Bureau of Justice Statistics**

(a) Establishment. There is established within the Department of Justice, under the general authority of the Attorney General, a Bureau of Justice Statistics (hereinafter referred to in this subchapter [part] as “Bureau”).

(b) Appointment of Director; experience; authority; restrictions. The Bureau shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate. The Director shall have had experience in statistical programs. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Bureau. The Director shall report to the Attorney General through the Assistant Attorney General. The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this Act.

(c) Duties and functions of Bureau. The Bureau is authorized to—

(1) make grants to, or enter into cooperative agreements or contracts with public agencies, institutions of higher education, private organizations, or private individuals for purposes related to this subchapter [part]; grants shall be made subject to continuing compliance with standards for gathering justice statistics set forth in rules and regulations promulgated by the Director;

(2) collect and analyze information concerning criminal victimization, including crimes against the elderly, and civil disputes;

(3) collect and analyze data that will serve as a continuous and comparable national social indication of the prevalence, incidence, rates, extent, distribution, and attributes of crime, juvenile delinquency, civil disputes, and other statistical factors related to crime, civil disputes, and juvenile delinquency, in support of national, State, and local justice policy and decision making;

(4) collect and analyze statistical information, concerning the operations of the criminal justice system at the Federal, State, and local levels;

(5) collect and analyze statistical information concerning the prevalence, incidence, rates, extent, distribution, and attributes of crime, and juvenile delinquency, at the Federal, State, and local levels;

(6) analyze the correlates of crime, civil disputes and juvenile delinquency, by the use of statistical information, about criminal and civil justice systems at the Federal, State, and local levels, and about the extent, distribution and attributes of crime, and juvenile delinquency, in the Nation and at the Federal, State, and local levels;

(7) compile, collate, analyze, publish, and disseminate uniform national statistics concerning all aspects of criminal justice and related aspects of civil justice, crime, including crimes against the elderly, juvenile delinquency, criminal offenders, juvenile delinquents, and civil disputes in the various States;

(8) recommend national standards for justice statistics and for insuring the reliability and validity of justice statistics supplied pursuant to this chapter [title];

(9) maintain liaison with the judicial branches of the Federal and State Governments in matters relating to justice statistics, and cooperate with the judicial branch in assuring as much uniformity as feasible in statistical systems of the executive and judicial branches;

(10) provide information to the President, the Congress, the judiciary, State and local governments, and the general public on justice statistics;

(11) establish or assist in the establishment of a system to provide State and local governments with access to Federal informational resources useful in the planning, implementation, and evaluation of programs under this Act;

(12) conduct or support research relating to methods of gathering or analyzing justice statistics;

(13) provide for the development of justice information systems programs and assistance to the States and units of local government relating to collection, analysis, or dissemination of justice statistics;

(14) develop and maintain a data processing capability to support the collection, aggregation, analysis and dissemination of information on the incidence of crime and the operation of the criminal justice system;

(15) collect, analyze and disseminate comprehensive Federal justice transaction statistics (including statistics on issues of Federal justice interest such as public fraud and high technology crime) and to provide technical assistance to and work jointly with other Federal agencies to improve the availability and quality of Federal justice data;

(16) provide for the collection, compilation, analysis, publication and dissemination of information and statistics about the prevalence, incidence, rates, extent, distribution and attributes of drug offenses, drug related offenses and drug dependent offenders and further provide for the establishment of a national clearinghouse to maintain and update a comprehensive and timely data base on all criminal justice aspects of the drug crisis and to disseminate such information;

(17) provide for the collection, analysis, dissemination and publication of statistics on the condition and progress of drug control activities at the Federal, State and local levels with particular attention to programs and intervention efforts demonstrated to be of value in the overall national anti- drug strategy and to provide for the establishment of a national clearinghouse for the gathering of data generated by Federal, State, and local criminal justice agencies on their drug enforcement activities;

(18) provide for the development and enhancement of State and local criminal justice information systems, and the standardization of data reporting relating to the collection, analysis or dissemination of data and statistics about drug offenses, drug related offenses, or drug dependent offenders;

(19) provide for research and improvements in the accuracy, completeness, and inclusiveness of criminal history record information, information systems, arrest warrant, and stolen vehicle record information and information systems and support research concerning the accuracy, completeness, and inclusiveness of other criminal justice record information;

(20) maintain liaison with State and local governments and governments of other nations concerning justice statistics;

(21) cooperate in and participate with national and international organizations in the development of uniform justice statistics;

(22) ensure conformance with security and privacy requirement of section 3789g of this title and identify, analyze, and participate in the development and implementation of privacy, security and information policies which impact on Federal and State criminal justice operations and related statistical activities; and

(23) exercise the powers and functions set out in subchapter VIII [part H] of this chapter [title].

(d) Justice statistical collection, analysis, and dissemination. To insure that all justice statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Director is authorized to—

(1) utilize, with their consent, the services, equipment, records, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefore, and to enter into agreements with such agencies and instrumentalities for purposes of data collection and analysis;

(2) confer and cooperate with State, municipal, and other local agencies;

(3) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this chapter [title];

(4) seek the cooperation of the judicial branch of the Federal Government in gathering data from criminal justice records; and

(5) encourage replication, coordination and sharing among justice agencies regarding information systems, information policy, and data.

(e) Furnishing of information, data, or reports by Federal agencies. Federal agencies requested to furnish information, data, or reports pursuant to subsection (d)(3) of this section shall provide such information to the Bureau as is required to carry out the purposes of this section.

(f) Consultation with representatives of State and local government and judiciary. In recommending standards for gathering justice statistics under this section, the Director shall consult with representatives of State and local government, including, where appropriate, representatives of the judiciary.

42 USC § 3733 [Sec. 303.] Authority for 100 per centum grants

A grant authorized under this subchapter [part] may be up to 100 per centum of the total cost of each project for which such grant is made. The Bureau shall require, whenever feasible as a condition of approval of a grant under this subchapter [part], that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

42 USC § 3735 [Sec. 304.] Use of data

Data collected by the Bureau shall be used only for statistical or research purposes, and shall be gathered in a manner that precludes their use for law enforcement or any purpose relating to a particular individual other than statistical or research purposes.

Appendix 2:

**National Prisoner Statistics Program:
NPS-1B data collection form**

RETURN TO

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

FORM **NPS-1B**
 (7-31-2022)

National Prisoner Statistics Summary of Sentenced Population Movement 2022

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

DATA SUPPLIED BY

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

GENERAL INFORMATION

- If you have any questions, contact the **Abt Associates NPS Project Director, Walter Campbell (617-520-2347 or walter_campbell@abtassoc.com)** or the **BJS NPS Program Manager, E. Ann Carson (202-616-3496 or elizabeth.carson@ojp.usdoj.gov)**.
- Please complete the questionnaire before **February 28, 2023** by using **nps.abtassociates.com**, by emailing a scanned copy of the form to **walter_campbell@abtassoc.com**, by mailing the completed form to **Abt Associates** at the address above, or by FAXing all pages to 1-617-218-4500.
- Please retain a copy of the completed form for your records.

What types of inmates are included? *Inmates*

under your jurisdiction on December 31, 2022

- INCLUDE inmates under your jurisdiction held in your prison facilities (e.g., prisons, penitentiaries, and correctional institutions; boot camps; prison farms; reception, diagnostic, and classification centers; release centers, halfway houses, and road camps; forestry and conservation camps; vocational training facilities; prison hospitals; and drug and alcohol treatment facilities for prisoners).
- INCLUDE inmates who are temporarily absent (less than 30 days), out to court, or on work release.
- INCLUDE inmates under your jurisdiction held in local jails, private facilities, and other States' or Federal facilities.
- INCLUDE inmates in your facilities who are serving a sentence for your jurisdiction and another jurisdiction at the same time.
- EXCLUDE inmates held in your facilities for another jurisdiction.

Inmates under your custody on December 31, 2022

- INCLUDE all inmates held in your facilities.
- INCLUDE inmates housed in your facilities for other jurisdictions.
- EXCLUDE inmates held in local jails, private facilities, and facilities in other jurisdictions.

BURDEN STATEMENT

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 6.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this collection of information, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, Washington, DC 20531; and to the Office of Management and Budget, OMB No. 1121-0102, Washington, DC 20503.

REPORTING INSTRUCTIONS

- If you are unable to report an item using NPS definitions and reporting criteria, describe the definitions or criteria you used in the **NOTES** section.
- If your jurisdiction, by law or regulation, cannot have the type of inmate described by an item, write **"NA"** (Not Applicable) in the space provided.
- If your jurisdiction had the type of inmate but you are unable to determine the number separately by item, report the combined count in one item, write **"NR"** (Not Reported) in the remaining items, and specify in **NOTES**.
- If your jurisdiction can have the type of inmate described, but did not have any during December 31, 2022, enter **"0"** (Zero) in the space provided.

SECTION I – YEAR-END PRISON COUNTS

1. On December 31, 2022, how many inmates under your custody —

- Exclude inmates held in local jails, private facilities, and facilities in other jurisdictions.
- Include inmates held in any public facility run by your state, including halfway houses, camps, farms, training/treatment centers, and hospitals.

	Male	Female
a. Had a total maximum sentence of more than 1 year (Include inmates with consecutive sentences that add to more than 1 year.)		
b. Had a total maximum sentence of 1 year or less		
c. Were unsentenced		
d. TOTAL (Sum of items 1a to 1c)		

Mark (X) this box if custody numbers for 2022 are not comparable to 2021. Explain in NOTES.

2. On December 31, 2022, how many inmates under your jurisdiction —

	Male	Female
a. Had a total maximum sentence of more than 1 year (Include inmates with consecutive sentences that add to more than 1 year.)		
b. Had a total maximum sentence of 1 year or less		
c. Were unsentenced		
d. TOTAL (Sum of items 2a to 2c)		

Mark (X) this box if jurisdiction numbers for 2022 are not comparable to 2021. Explain in NOTES.

Data reported for December 31, 2021

	Male	Female

← Update as needed

← Update as needed

3. On December 31, 2022 how many inmates under your jurisdiction were housed in a privately operated correctional facility —

- Exclude inmates housed in any publicly operated facility, even if under contract.
- Include inmates housed in any privately operated halfway houses, treatment facilities, hospitals, or other special facility.

	Male	Female
a. In your State	<input type="text"/>	<input type="text"/>

	Male	Female
b. In another State	<input type="text"/>	<input type="text"/>

c. Are these inmates included in item 2?

1 <input type="checkbox"/> Yes	<input type="checkbox"/> Yes
2 <input type="checkbox"/> No	<input type="checkbox"/> No

(If item 3c is "NO", explain in the NOTES section.)

4. On December 31, 2022, how many inmates under your jurisdiction were housed in local facilities operated by a county or other local authority?

- Exclude inmates housed in privately operated facilities (reported in items 3a and 3b).
- Include inmates housed in local facilities under contract or other arrangement.

	Male	Female
a. TOTAL	<input type="text"/>	<input type="text"/>

(If "0" (zero), skip to item 5.)

b. Are these inmates included in item 2?

1 <input type="checkbox"/> Yes	<input type="checkbox"/> Yes
2 <input type="checkbox"/> No	<input type="checkbox"/> No

(If item 4b is "NO", explain in the NOTES section.)

5. On December 31, 2022, how many inmates under your jurisdiction were housed —

- Exclude inmates housed in privately operated facilities (reported in items 3a and 3b) and inmates housed in local jails (reported in item 4a).

	Male	Female
a. In Federal facilities	<input type="text"/>	<input type="text"/>

- b. In other States' facilities —**
- Include only those inmates housed in State-operated facilities in other States.

	Male	Female
<input type="text"/>	<input type="text"/>	

(If "0" (zero) in items 5a and 5b, skip to item 6.)

c. Are these inmates included in item 2?

1 <input type="checkbox"/> Yes	<input type="checkbox"/> Yes
2 <input type="checkbox"/> No	<input type="checkbox"/> No

(If item 5c is "NO", explain in the NOTES section.)

Data reported for December 31, 2021

	Male	Female
<input type="text"/>	<input type="text"/>	

← Update as needed

	Male	Female
<input type="text"/>	<input type="text"/>	

	Male	Female
<input type="text"/>	<input type="text"/>	

← Update as needed

	Male	Female
<input type="text"/>	<input type="text"/>	

← Update as needed

	Male	Female
<input type="text"/>	<input type="text"/>	

← Update as needed

SECTION I - YEAR-END PRISON COUNTS - Continued

6. On December 31, 2022, how many inmates under your jurisdiction were —

	Male	Female
a. White (not of Hispanic origin.)		
b. Black or African American (not of Hispanic origin.)		
c. Hispanic or Latino		
d. American Indian/Alaska Native (not of Hispanic origin.)		
e. Asian (not of Hispanic origin.)		
f. Native Hawaiian or other Pacific Islander (not of Hispanic origin.)		
g. Two or more races (not of Hispanic origin.)		
h. Additional categories in your information system - Specify		
i. Not known		
j. TOTAL (Sum of items 6a to 6i should equal item 2d)		

7. Between January 1, 2022 and December 31, 2022, how many inmates sentenced to more than 1 year under your jurisdiction were admitted as —

	Male	Female
a. New court commitments (Include probation violators entering prison on probated sentence, split sentences, and! shock probation.)		
b. Parole violators —		
(1) with a new sentence		
(2) without a new sentence (Include violators returned without a new sentence, those held pending a hearing, and those not formally revoked.)		
c. Other conditional release violators (Include returns from mandatory release other than parole.)		
(1) with a new sentence		
(2) without a new sentence		
d. Transfers from other jurisdictions (Include inmates received from other jurisdictions to continue sentences already in force.)		
e. AWOL returns, with or without new sentences		
f. Escapee returns, with or without new sentences		
g. Returns from appeal or bond (Include all inmates reinstated after long-term absences of more than 30 days.)		
h. Other admissions - Specify		
i. TOTAL (Sum of items 7a to 7h)		

SECTION II - ADMISSIONS AND RELEASES DURING 2022

Reporting Instructions

- Include only those inmates with a total maximum sentence of more than 1 year.
- Include inmates under your jurisdiction, regardless of where they are housed.
- Exclude short-term movements (less than 30 days) where jurisdiction is retained (e.g., to court and on furlough.)
- Escape include inmates that were physically within facility boundaries at time of disappearance
- AWOLs include inmates that were physically outside facility boundaries at time of disappearance, example-workrelease

8. Between January 1, 2022 and December 31, 2022, how many inmates sentenced to more than 1 year under your jurisdiction were released as—

a. Unconditional releases

	Male	Female
(1) Expirations of sentence (Include inmates who served their maximum sentence minus credits.)		
(2) Commutations (Include inmates whose sentence was lowered to time served to allow for an immediate unconditional release.)		
(3) Other unconditional releases – Specify _____		

b. Conditional releases

(1) Probations (Include inmates released on shock probation or placed on probation and conditionally released.)		
(2) Supervised mandatory releases (Include inmates who by law had to be conditionally released.)		
(3) Discretionary paroles		
(4) Other conditional releases – Specify _____		

c. Deaths

--	--	--

d. AWOLs

--	--	--

e. Escapes from confinement

--	--	--

f. Transfers to other jurisdictions (Include inmates sent to other jurisdictions to continue sentences already in force.)

--	--	--

g. Releases to appeal or bond

--	--	--

h. Other releases – Specify

--	--	--

i. TOTAL
(Sum of items 8a to 8h)

--	--	--

9. How many inmates with a total maximum sentence of more than one year were —

	Male	Female
a. Under your jurisdiction on January 1, 2022		
b. Admitted during 2022 (Transcribe from item 7i)		
c. Released during 2022 (Transcribe item 8i)		
d. Under your jurisdiction on December 31, 2022 (Add items 9a and 9b, subtract item 9c, should equal item 2a.)		

SECTION III – PRISON SYSTEM CAPACITY

10. On December 31, 2022, what was the capacity of your prison system? (Exclude capacity of private facilities.)

	Male	Female
a. Rated capacity (The number of beds or inmates assigned by rating officials to institutions within your jurisdiction.)		
b. Operational capacity (The number of inmates that can be accommodated based on staff, existing programs, and services in institutions within your jurisdiction.)		
c. Design capacity (The number of inmates that planners or architects intended for all institutions within your jurisdiction.)		

SECTION IV – SPECIAL CUSTODY POPULATIONS

11. On December 31, 2022, how many inmates in your custody, plus those held in private prisons, were under age 18?

	Male	Female

12. On December 31, 2022, how many inmates in your custody, plus those held in private prisons, were

	Male	Female
U. S. Citizens		
Non-U.S. Citizens		
Unknown Citizenship		

13. On what total population is your count of citizens and non-citizens based? (please check only one):

- Prisoners in our physical custody AND private prisons (Q1d+Q3)
- Prisoners in our physical custody only (no private prisons) (Q1d)
- Prisoners under our jurisdiction (Q2d)
- Some other total population

SECTION V – HIV/AIDS

Reporting Instructions

- For the following section **HIV test** includes any type of test, oral or blood, used to diagnose HIV among adults.
- If you are unable to report an item using NPS definitions and reporting criteria, describe the definitions or criteria you used in the **NOTES** section.
- Exclude inmates held in local jails, private facilities and facilities in other jurisdictions.
- Include inmates held in any public facility run by your state, including halfway houses, camps, farms, training/treatment centers, and hospitals.

14. On December 31, 2022, which of the following best described HIV testing among inmates entering your facilities? (Check only one).

- *Include all testing done upon entry such as during the intake process, reception or shortly thereafter.*

- All inmates were tested for HIV regardless of whether the inmate agreed **(Skip to Question 16)**
- All inmates were told that an HIV test will be performed, and the test was given unless the inmate declined
- All inmates were told that HIV testing was available, and the inmate must have requested a test
- Inmates were only tested based upon an assessment of high-risk behavior, medical history, or other clinical evaluation
- Not all inmates were told that an HIV test is available, but were tested if they requested one
- Other *(Please specify)*
- Did not provide HIV testing **(Skip to Question 16)**

15. On December 31, 2022, which of the following best described consent for HIV testing among inmates entering your facility? (Check only one).

- General consent for medical services was obtained
- Separate consent, specifically for HIV testing, was obtained
- Inmate consent was not obtained

16. On December 31, 2022, which of the following described HIV testing among inmates already in custody? (Check all that apply).

- *Exclude all testing done during the entry and discharge processes.*

- Offered HIV test during routine medical examinations
- Tested inmates in high-risk groups
- Tested upon request from the inmate
- Tested upon clinical indication
- Tested upon court order
- Tested following involvement in an incident
- Other *(Please specify)*

- Did not provide HIV testing

17. On December 31, 2022, which of the following best described HIV testing among inmates during discharge planning? (Check only one).

- *Include all testing done upon exit or during the discharge process.*
- *Exclude all testing done upon entry or among inmates already in custody.*

- All inmates were offered HIV testing
- Some inmates were offered HIV testing
- Inmates were only tested upon request from the inmate
- Other *(Please specify)*

- Did not provide HIV testing

18. On December 31, 2022, how many inmates with diagnosed HIV infection were under your custody?

- *Include all inmates under your custody, regardless of sentence length, with diagnosed HIV infection who did not have HIV-related symptoms, had HIV-related symptoms or had confirmed AIDS.*

Male Female

<input type="text"/>	<input type="text"/>
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SECTION VI – NOTES

Please review last year's explanatory notes and make any corrections, additions, or deletions necessary for 2022.

Please mark (X) box to indicate that you have reviewed and updated the notes.

Appendix 3:

Bibliography of works citing the National Prisoner Statistics Program during 2020, 2021, 2022

Publications using the National Prisoner Statistics program data, 2020-2022

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2021

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Appendix 4:

Substantive comments received by BJS in response to the Federal Register Notifications of OMB review of the National Prisoner Statistics collection

From: [Charlie Sullivan](#)
To: [Carson, Elizabeth \(OJP\)](#)
Subject: [EXTERNAL] Please include in National Prisoner Statistics
Date: Tuesday, September 20, 2022 2:44:21 AM

E. Ann Carson, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW, Washington, DC 20531 (email: elizabeth.carson@usdoj.gov; telephone: 202-616-3496),

Dear Ms. Carson, as I have requested over the years, I respectfully urge that you include those persons in the upcoming National Prisoner Statistics who have been civilly committed for a sex offense after a prison sentence.

We are talking about 6,000 people.

Sincerely,

**Charles Sullivan
President
International CURE
Washington, DC**



2005 Market Street, Suite 2800 P 215.575.9050
Philadelphia, PA 19103-7077 F 215.575.4939

901 E Street NW, 10th Floor P 202.552.2000
Washington, DC 20004 F 202.552.2299
pewtrusts.org

November 10, 2022

Director Alexis R. Piquero, Ph.D.
Bureau of Justice Statistics
Department of Justice
Attention: OMB Number 1121-0102

RE: Public Comments on the National Prisoner Statistics Survey

The Pew Charitable Trusts (Pew) is pleased to respond to the Bureau of Justice Statistics' request for public comments regarding the National Prisoner Statistics Survey. Pew is a non-profit research and policy organization with several initiatives that help states advance fiscally sound, data-driven policies and practices in the criminal and juvenile justice systems.

The National Prisoner Statistics Survey is vital for an understanding of both current and trends in prison population, admissions and releases, and provides invaluable information for policymakers at all levels of government, as well as other justice system stakeholders.

We would like to recommend a few changes to the survey instrument that we believe will provide a meaningful benefit in terms of improving the quality of data that is collected, and subsequently the ability of policymakers and others to analyze who is in prison, for how long and why.

1. **Asking for information by both race/ethnicity and sex together for more data points.** Section I, question six of the draft 2022 instrument asks for a year-end count of inmates by race and ethnicity as well as sex: that is, there are columns for Male and Female, and rows for White non-Hispanic, Black or African American non-Hispanic, etc. Currently no information on race or ethnicity is collected for any other data points. We would like to see BJS use the question 6 format for all the questions in Section I and Section II. If policymakers have the individual level data available to answer question 6, it should not be burdensome to pull this data for admissions, releases, private, public, and local facilities, etc.
2. **Changing categorization of admissions.** Question 7 does not well document who is admitted to prison from community supervision. It is difficult to line up this information with that provided by the Annual Survey of Probation, for example. We suggest the following structure:
 - a. New court commitments (new sentence):
 - 1) From probation
 - 2) From discretionary parole
 - 3) From mandatory post-release supervision (not parole)
 - 4) From another form of supervision not included above
 - 5) Not on any form of community supervision at time of admission
 - b. Supervision violations (with no new sentence):
 - 1) From probation
 - 2) From discretionary parole
 - 3) From mandatory post-release supervision (not parole)

- 4) From another form of supervision not included above
3. Language. Using labels like “inmates” rather than “people” is unnecessary if the sentence clearly indicates the person is in custody. For example, question 3 reads, “On December 31, 2022, how many **inmates** under your jurisdiction were housed in a privately operated correctional facility...” We would suggest examining the language throughout to identify where the instrument could remove labeling terms such as “inmate” or “violate” and use “person” or “people,” which is less stigmatizing.

Thank you again to BJS for the opportunity to provide input and for your continued dedication to this issue. Please contact Joshua Alvarez (jalvarez@pewtrusts.org) in our Government Relations office for additional information or questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy Velázquez". The signature is stylized and cursive.

Tracy Velázquez
Senior Manager
Safety & Justice
The Pew Charitable Trusts

November 18, 2022

E. Ann Carson, Statistician
Bureau of Justice Statistics
810 Seventh Street NW
Washington, DC 20531

Re: Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection: National Prisoner Statistics Program, 87 Fed. Reg. 57,221, Docket OMB-1121-0102

Dear Ms. Carson:

The Council on Criminal Justice appreciates the opportunity to respond to the Bureau of Justice Statistics' sixty-day notice of an information collection request regarding the National Prisoner Statistics Program, 87 Fed. Reg. 57,221.¹

The Council is an independent, nonpartisan membership organization and think tank that serves as an incubator of policy and leadership for the criminal justice field. Grounded in facts, evidence and fundamental principles of justice, the Council advances understanding of the criminal justice policy choices facing the nation and builds consensus for solutions that enhance safety and justice for all.

In August 2022, the Council launched a Veterans Justice Commission to examine the extent and nature of veterans' involvement in the criminal justice system and develop recommendations for research-based policy changes. The Commission is chaired by former U.S. Defense Secretary and U.S. Senator Chuck Hagel and includes former defense secretary and White House Chief of Staff Leon Panetta, as well as 13 other leaders representing veterans, the military, the Veterans Administration, community advocates, and various sectors of the justice system.

In order to fulfill its evidence-based mission, the Council relies in meaningful part on data collected by the Bureau of Justice Statistics. The information the Bureau proposes to collect over the coming three years will therefore have significant "practical utility," see 87 Fed. Reg. at 57,221, not only for BJS itself, but also for the Council and other organizations that rely on accurate data to inform their policy analysis and recommendations. The Council therefore strongly supports the proposed information collection.

The Council submits, however, that "the quality, utility, and clarity of the information to be collected can be enhanced" by collecting information about the number of veterans incarcerated in each state and the federal Bureau of Prisons. See *id.* As the Council's Veteran Justice Commission stated in its preliminary assessment of the unique challenges facing veterans in the civilian justice system—a report attached to

¹ This comment was prepared with the assistance of Jessica Morton of the Democracy Forward Foundation.

this comment²—veterans may be overrepresented among people held in prison and jail, but there is a dearth of reliable data identifying veterans within these systems. Collecting this data would add meaningfully to the information collection and would constitute only a minimal burden.

Veterans comprise a significant portion of state and federal prisoners. According to the last comprehensive Bureau of Justice Statistics count—now a decade out of date—there were 181,500 self-reported veterans in American prisons and jails as of 2012³; another survey from 2016, also based on self-reporting, found that nearly 8% of people incarcerated in state prisons and more than 5% of people incarcerated in federal prisons were veterans.⁴ All told, nearly one third of all veterans self-report having been arrested and booked into jail at least once, compared to fewer than one fifth of non-veterans.⁵

Veterans face unique challenges that may increase their risk of involvement in the criminal justice system—and create additional hurdles within the system and upon reentry. As described in more detail in the attached report, combat deployment, which has been more common among veterans who served after September 11, 2001, is strongly associated with the development of post-traumatic stress disorder and traumatic brain injury. Both of these medical conditions can fuel substance misuse and increase the risk of separation from the military under “other than honorable” circumstances, and are associated with crime and justice involvement for veterans. One study has shown that 87% of veterans incarcerated in jails had experienced a traumatic event in their lifetimes, and 39% screened positive for PTSD⁶ (compared to a 6% PTSD prevalence rate in the non-veteran population).⁷ Veterans also are more likely than non-veterans to have had “adverse childhood experiences,” such as suffering or witnessing interpersonal

² The report, entitled “From Service through Reentry: A Preliminary Assessment of Veterans in the Criminal Justice System,” is publicly available at: <https://counciloncj.org/veterans-justice-commission/>.

³ Jennifer Bronson et al., *Veterans in Prison and Jail, 2011–12*, Bureau of Justice Statistics (Dec. 2015), <https://bjs.ojp.gov/content/pub/pdf/vpj1112.pdf>.

⁴ Laura M. Maruschak et al., *Survey of Prison Inmates, 2016: Veterans in Prison*, Bureau of Justice Statistics (Mar. 2021), <https://bjs.ojp.gov/content/pub/pdf/vpspi16st.pdf>.

⁵ Christine Timko et al., *Systematic Review of Criminal and Legal Involvement After Substance Use and Mental Health Treatment Among Veterans: Building Toward Needed Research*, 14 *Substance Abuse: Research and Treatment* 1 (2020), <https://journals.sagepub.com/doi/full/10.1177/1178221819901281>.

⁶ Andrew J. Saxon et al., *Trauma, Symptoms of Posttraumatic Stress Disorder, and Associated Problems Among Incarcerated Veterans*, 52 *Psychiatric Services* 959 (2001), <https://ps.psychiatryonline.org/doi/pdf/10.1176/appi.ps.52.7.959>.

⁷ Rise B. Goldstein et al., *The epidemiology of DSM-5 posttraumatic stress disorder in the United States: results from the National Epidemiologic Survey on Alcohol and Related Conditions-III*, 51 *Social Psychiatry and Psychiatric Epidemiology* 1137 (2016), <https://link.springer.com/article/10.1007/s00127-016-1208-5>.

violence, or family instability factors.⁸ And incarcerated veterans have been found to have five times the rate of past homelessness as adult men in the general population.⁹

Veterans likewise face unique challenges within the criminal justice system itself. For veterans who struggle with PTSD or other trauma symptoms, many aspects of incarceration can resemble deployment to a combat zone, leading combat veterans to adopt the “survival mode” characteristics of those operations.¹⁰ Although the VA, local governments, and community organizations have developed multiple initiatives to assist veterans, their availability to all veterans seeking services is unknown. And even where these interventions exist, there is some evidence that many veterans who would be candidates for participation are not identified due to their reluctance to disclose their veteran status. For other programs, participation is hampered by limited veterans’ awareness of their existence or perceptions that they may not be eligible.

The first step to providing veterans with the support needed for successful reentry is identifying both the aggregate number of veterans in any jail or prison system and the individual veterans who would benefit from that support. This data is necessary to implement any programming effectively, to ensure that the scope of any programming meets the needs of a veteran population, and to contact specific veterans who may not be aware of the resources available to them. Unfortunately, at this time there is no comprehensive data collection or reporting of veteran populations in jails and prisons. The data that is available comes from sporadic studies using samples of the incarcerated population or snapshots in time without detailed trend data; most states do not track or publish veteran-specific information. Although some jails and prisons may have policies asking veterans to self-report their status, it is unknown how many collect data in this way. In any event, expecting veterans to self-report their status is problematic: some veterans have reported reluctance about self-identification because of shame, fear that they will be viewed as a threat, or concerns that they may lose their VA benefits.¹¹

In 2013, the VA created the Veterans Reentry Search Services (VRSS) system, a web-based tool that allows correctional facilities to identify justice-involved people with prior military service.¹² Given the

⁸ John R. Blosnich et al., *Disparities in Adverse Childhood Experience Among Individuals With a History of Military Service*, 71 *JAMA Psychiatry* 1041 (2014), <https://jamanetwork.com/journals/jamapsychiatry/fullarticle/1890091>; see also Jodie G. Katon et al., *Adverse Childhood Experiences, Military Service, and Adult Health*, 49 *American Journal of Preventative Medicine* 573 (2015), [https://www.ajpmonline.org/article/S0749-3797\(15\)00142-7/fulltext](https://www.ajpmonline.org/article/S0749-3797(15)00142-7/fulltext).

⁹ Jack Tsai et al., *Homelessness in a National Sample of Incarcerated Veterans in State and Federal Prisons*, 41 *Administration and Policy in Mental Health and Mental Health Services Research* 360 (2014), <https://link.springer.com/article/10.1007/s10488-013-0483-7>.

¹⁰ Chester E. Sigafoos, *A PTSD Treatment Program for Combat (Vietnam) Veterans in Prison*, 38 *International Journal of Offender Therapy and Comparative Criminology* 117 (1994), <https://journals.sagepub.com/doi/10.1177/0306624X9403800204>.

¹¹ William B. Brown et al., *The Perfect Storm: Veterans, culture and the criminal justice system*, 10 *Justice Policy Journal* 1, 7–8 (2013), http://www.cjcj.org/uploads/cjcj/documents/brown_et_al_fall_2013.pdf; see also Eileen M. Ahlin & Anne S. Douds, *If You Build It, Will Vets Come? An Identity Theory Approach to Expanding Veterans’ Treatment Court Participation*, 45 *Criminal Justice Review* 319 (2020), <https://journals.sagepub.com/doi/10.1177/0734016820914075>.

¹² David Pelletier, *Dispatch from the Front Lines*, *Justice for Vets* (Apr. 2022), <https://justiceforvets.org/wp-content/uploads/2022/05/Identifying-the-Veteran-Population-Within-the-CJS-2022.pdf>.

accessibility of VRSS, requiring jails and prisons to report the number of veterans in their facility would add only a minimal burden to this information collection. To use VRSS, a correctional facility need only provide basic information (such as name, social security number, and facility location) to the VA, which will then provide the ID numbers of individuals with a record of military service.¹³ VRSS can also accept large batch files of queries.¹⁴

Although VRSS provides a simple and effective way for correctional facilities to identify the veterans among their populations, it is little-used: in 2021, only 11% of the nation's approximately 3,100 local jails used VRSS.¹⁵ Including statistics related to veterans in the BJS data collection will therefore have the dual effect of developing meaningful data that can be used to support wraparound programming and alerting jails and prisons to the straightforward tools available to identify people who have served their country in the armed forces.

* * *

On behalf of the Council's Veterans Justice Commission, I commend the Bureau of Justice Statistics for its attention to these critical issues and strongly encourage the Bureau to include a reporting requirement for veteran status in the upcoming data collection. I am happy to discuss this with you further and may be contacted at agelb@counciloncj.org at your convenience. Thank you for your consideration of these comments.

Respectfully submitted,

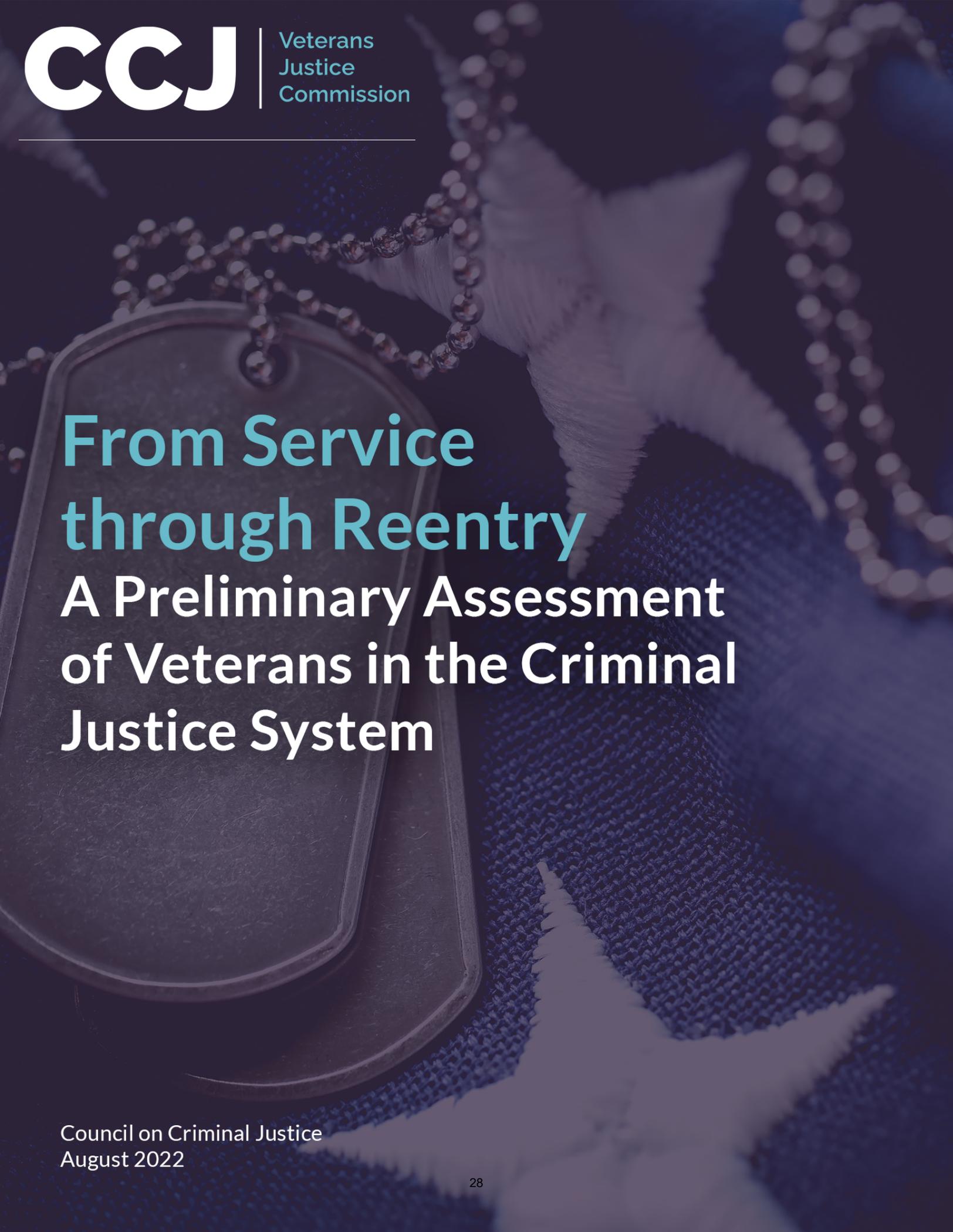


Adam Gelb
President & CEO
Council on Criminal Justice

¹³ U.S. Dep't of Veterans Affairs, *Welcome to the Veterans Re-Entry Search Services* (Sept. 1, 2010), <https://vrss.va.gov/>.

¹⁴ See Pelletier, *supra* n. 12.

¹⁵ S.C. Clark, National Director, Veterans Justice Programs, U.S. Dep't of Veterans Affairs, personal communication (July 20, 2022).

The background of the page is a dark blue, semi-transparent image. It features a close-up of a military dog tag hanging from a chain of small, round metal beads. The tag is positioned in the lower-left quadrant. In the background, there is a white five-pointed star on a dark blue fabric, which is a common symbol for the Department of Veterans Affairs. The overall tone is somber and reflective.

From Service through Reentry

A Preliminary Assessment of Veterans in the Criminal Justice System

ABOUT THE COUNCIL

The Council on Criminal Justice is an invitational membership organization and think tank. Independent and nonpartisan, the Council works to advance understanding of the criminal justice policy choices facing the nation and build consensus for solutions that enhance safety and justice for all.

The Council does not take policy positions. As part of its array of activities, the Council conducts research and convenes task forces composed of Council members who produce reports with findings and policy recommendations on matters of concern. For more information about the Council, visit counciloncj.org.

ABOUT THE PROJECT

The Veterans Justice Commission is a multi-year research, policy development, and communications project that will document and raise awareness of the unique challenges facing veterans in the civilian justice system and build consensus for evidence-based reforms that enhance safety, health, and justice. The project spans the full scope of the justice system—from arrest and diversion through prosecution, incarceration, release, and community supervision—with a particular focus on veterans’ transition from active service to civilian life.

This report is a preliminary assessment to ground the Commission's work, which will further examine the challenges and develop proposed solutions for policy and practice. The findings and conclusions in this report were not subject to the approval of the Council’s Board of Directors or its Board of Trustees.

ACKNOWLEDGMENTS

Support for the Veterans Justice Commission comes from The Arthur M. Blank Family Foundation, the National Football League, Craig Newmark Philanthropies, T. Denny Sanford, Southern Company Foundation, and the Wilf Family Foundations as well as the John D. and Catherine T. MacArthur Foundation, #StartSmall, and other CCJ [general operating contributors](#).

We thank the numerous collaborators who made this preliminary analysis possible: Jim Seward, Hannah Bolotin, Gen. Peter Chiarelli, Adam Gelb, Andrea Finlay, Stephanie Kennedy, David MacEwen, Olivia McLarnan, Lumen Mulligan, Andrew Page, Barbara Pierce, Evan Seamone, Wesley Smith, and Jenifer Warren.

Introduction

Military life is highly structured. Service members are told what to do and when to do it. They are routinely thrust into stressful and often violent situations—circumstances that are hard for most civilians to imagine—yet they are supported and surrounded by the training and resources of the U.S. Department of Defense (DoD).

The world following military service is quite different. Veterans must fend largely for themselves in the civilian economy and society. Roughly 200,000 active-duty service members leave the armed forces each year, and most transition successfully, demonstrating often extraordinary resilience in the face of a wide array of risk factors and obstacles. Others struggle—with mental health and substance use disorders, the aftereffects of traumatic brain injury, homelessness, and criminality.

Approximately one third of veterans self-report having been arrested and booked into jail at least once, compared to fewer than one fifth of civilians.¹ According to the last comprehensive count, there were 181,500 veterans in American prisons and jails.² A separate survey showed that nearly 8% of those incarcerated in state prisons and more than 5% of people in federal prisons were veterans.³ There are more veterans imprisoned in the U.S. than there are total prisoners in all but 14 other countries,⁴ but their numbers represent a tiny fraction of the total U.S. veteran population—just 1%.

In recent years, innovations such as veterans treatment courts and veteran-only housing units in jails and prisons have emerged, seeking to improve support for former service members through specialized approaches. The Veterans Administration (VA), whose mission is to provide care and support for veterans and their families, has launched efforts to help justice agencies better identify veterans and to facilitate their access to programming. But many challenges—and opportunities—remain.

This document summarizes the current state of knowledge about veterans in the civilian justice system. It highlights the service-related factors that increase risk for veterans' justice system contact and reviews existing programs and services designed to address that risk at three critical points in time: (1) the transition from active-duty military service to civilian life; (2) arrest through criminal sentencing (the “front end” of the justice system); and (3) incarceration through reentry into communities after release (the “back end” of the system).

Overall, studies show that service-related trauma exposure, combined with increased incidence of mental health and substance use disorders, elevates veterans' risk of justice system involvement. Veterans who served in the military since September 11, 2001 may be especially at risk, in part because they are younger and more racially diverse than the general public and they have seen more combat deployments—and redeployments—than

any previous cohort of service members. Combat deployment is strongly associated with the development of post-traumatic stress disorder (PTSD) and traumatic brain injury (TBI). Veterans with multiple deployments are three times more likely than service members who were not previously deployed to develop PTSD, and estimates indicate that 20% of post-9/11 veterans experienced a probable TBI during deployment. PTSD and TBI symptoms fuel substance misuse, increase risk for separation from the military under “other than honorable” circumstances, and are associated with crime and justice involvement for veterans.

Despite these findings, more research is needed to understand precisely how military service and risk factors interact to increase veterans’ likelihood of contact with the criminal justice system.

KEY TAKEAWAYS

- + *Transition from military service to civilian life creates a range of difficulties for many veterans.*
- + *Research has identified what makes people more or less likely to engage in criminal behavior, but the evidence on whether veterans have a different set of risk and protective factors is thin.*
- + *Deployment-related trauma exposure and increased incidence of mental health and substance use disorders elevate veterans’ risk of making contact with the justice system.*
- + *Research has found robust associations between PTSD, traumatic brain injury, substance use disorders, and both aggressive behavior and criminal justice system involvement for veterans.*
- + *Basic data on the nature and extent of veterans’ involvement in the justice system are lacking; few justice agencies participate in VA systems that identify veterans.*
- + *A growing number of veterans are ineligible for VA benefits despite not having engaged in bad conduct or criminal behavior during military service.*
- + *Veterans who lose VA benefits because of incarceration struggle to re-enroll at reentry, increasing their risk of poor outcomes.*
- + *Most veterans in prison (69%) are serving time for violent crimes; nearly twice as many veterans as non-veterans are serving life sentences.*
- + *Special in-prison housing units and other programs serving justice-involved veterans have proliferated, but rigorous evaluation of these initiatives is lacking and their fidelity to evidence-based models is unknown.*

VETERANS' RISK FACTORS

More than 1.3 million personnel are on active duty across the Army, Navy, Air Force, Marine Corps, and Coast Guard.⁵ Active-duty service members are relatively young—nearly two-thirds are under 30—and they are, overall, more racially diverse than the general population.⁶ Nearly half (47%) of active-duty service members identify as persons of color or biracial,⁷ compared to 40% of the general public.⁸ The majority are male, but women's engagement in active-duty service has grown steadily over the past 20 years, reaching more than 17% in 2020.⁹ Though there is no exact count and sources differ in their estimates, there were approximately 19 million military veterans in 2021, encompassing those who served in Iraq, Afghanistan, Vietnam, Korea, World War II, and other conflicts and postings over the past century.¹⁰

More than four million Americans have served in the military since the attacks on our nation on September 11, 2001. Evidence suggests that post-9/11 veterans struggle more with their transition to civilian life because of the particularly challenging nature of their service.¹¹ Roughly three-quarters of post-9/11 veterans were deployed at least once, compared to 58% of veterans who served before them, and post-9/11 veterans are about twice as likely as their pre-9/11 counterparts to have served in an active combat zone. Research indicates that post-9/11 veterans (and other veterans drawn from the all-volunteer era) may have a higher risk of criminal justice system involvement when compared to veterans of earlier service eras and to non-veterans,¹² although this finding is not consistent across studies.¹³

Scholars hypothesize that justice-involved veterans are likely to have higher rates of combat deployment, adverse childhood experiences, post-traumatic stress¹⁴ and other mental health issues, substance use, and homelessness. But the data underlying these findings are largely drawn from 2004 or earlier, and results are mixed.¹⁵ Below is a review of research on several key factors that may elevate the risk of criminal justice involvement for veterans.

COMBAT-RELATED TRAUMA AND POST-TRAUMATIC STRESS

Once individuals join the military, they are at increased risk for experiencing a range of traumatic events, including exposure to actual or threatened death, serious injury, or sexual violence.¹⁶ Across a wide range of populations, experiences of trauma have been linked to multiple symptoms, including aggression, impulsivity, hypervigilance, misappraisal of threat, sensation seeking, fear, anxiety, depression, and suicidal thoughts and behaviors.¹⁷ Although not all people who experience trauma have lasting negative effects or are diagnosed with mental health or substance use disorders, approximately one third of pre-9/11 veterans and

half of post-9/11 veterans report that deployment negatively affected their physical and mental health.¹⁸

As many as one third of veterans develop post-traumatic stress disorder (PTSD). Veterans with multiple deployments are three times more likely than service members who were not previously deployed to screen positive for PTSD.¹⁹ Other PTSD risk factors include younger age, non-majority racial identity, female gender, enlisted rank, low educational attainment, pre-deployment history of trauma or mental health disorder, and post-deployment social support stressors²⁰—factors prevalent among post-9/11 veterans. As of June 2021, 1.2 million veterans were receiving compensation for service-connected PTSD.²¹

TRAUMATIC BRAIN INJURY

The incidence and prevalence of traumatic brain injury (TBI) is elevated among military personnel and veterans. The Centers for Disease Control and Prevention define TBI as an “injury that disrupts the normal function of the brain.”²² TBI is associated with memory loss, altered mental state, temporary or permanent neurological deficits, decreased levels of consciousness, and intracranial lesions.²³ Although mild TBIs may not impair judgment or decision-making, moderate and severe TBIs have more intensive and longer-lasting negative consequences. Estimates indicate that approximately 20% of post-9/11 veterans—nearly one million people—experienced a probable TBI during deployment,²⁴ a figure that scholars say may underreport actual prevalence.²⁵ TBI increases the risk for a range of additional cognitive impairment and mental health disorder diagnoses over time, from PTSD and anxiety disorders to schizophrenia and psychotic disorders. These correlations are strongest for TBI and PTSD; for affected veterans, having a TBI is correlated with a 44% increase in later PTSD diagnosis.²⁶

SUBSTANCE USE DISORDERS

Alcohol use disorders are the most prevalent type of substance use disorder among veterans,²⁷ although opioid use disorder diagnoses have increased over time.²⁸ Studies show that 27% to 40% of post-9/11 veterans misuse alcohol.²⁹ In 2020, 525,000 veterans were treated for substance use disorders by the VA and more than 1.7 million received mental health care.³⁰ In a study of more than 450,000 Iraq and Afghanistan veterans seeking first-time care from the VA between 2001 and 2010, more than 11% received a substance use disorder diagnosis.³¹ Among this group, 10% of veterans were diagnosed with alcohol use disorder, 5% were diagnosed with a drug use disorder, and 3% of veterans received both an alcohol and drug use

disorder diagnosis. Substance use is strongly correlated with a variety of mental health disorder diagnoses. Veterans diagnosed with a substance use disorder were three to 4.5 times more likely to also be diagnosed with PTSD or depression. PTSD symptoms, specifically, increase risk for the development of substance use disorders among veterans.³² Veterans with PTSD are more than twice as likely to report struggles with substance use or dependency (41%) compared to veterans without PTSD (20%).³³ Military-specific risk factors for substance use disorders include deployment, combat exposure, and challenges with the transition to civilian life.³⁴

ADVERSE CHILDHOOD EXPERIENCES

Adverse Childhood Experiences (ACEs) include experiences of direct and witnessed interpersonal violence as well as family instability factors, such as having a parent with a mental health or substance use disorder.³⁵ The number of ACEs experienced by individuals has been associated with a range of negative outcomes, including increased incidence and prevalence of chronic physical health conditions, cancer, mental health and substance use disorders, and early death.³⁶ Research indicates that military veterans experience ACEs at higher rates than their non-veteran peers. Some research also shows, however, that for some individuals, military enlistment may provide a vehicle enabling them to escape abusive home environments.³⁷ Compared to non-veterans, veterans report significantly higher exposure to adverse events prior to their 18th birthday.³⁸ In a study of more than 13,000 veterans and 88,000 civilians, female veterans reported an average of 2.2 ACEs, compared to 1.7 ACEs among female civilians; male veterans reported an average of 1.7 ACEs compared to 1.3 among male civilians.³⁹ Separate studies indicate that 59% of female veterans and 39% of male veterans have experienced one or more ACE, with 5% of female veterans and 12% of male veterans reporting four or more exposures.⁴⁰

MILITARY SEXUAL TRAUMA

Service members may also experience military sexual trauma, defined as sexual abuse, assault, or harassment that occurs during active-duty military service or training.⁴¹ A meta-analysis of 69 studies indicated that 16% of military service members (38% of women and 4% of men) reported experiencing military sexual trauma.⁴² Specifically, nearly one third (31%) of service members experienced harassment (53% of women and 9% of men) and 14% of service members experienced assault (24% of women and 2% of men).⁴³ People who experience military sexual trauma are significantly more likely to screen positive for PTSD, depression, anxiety, and substance use disorders when compared to other service members. Military

sexual trauma is associated with an increased risk for a range of mental health disorders, including PTSD, anxiety, depression, and substance use disorders.⁴⁴

HOMELESSNESS AND HOUSING INSTABILITY

Military veterans are somewhat more likely than the general population to experience homelessness. While veterans make up 6% of Americans, surveys show they account for more than 7% of the homeless population.⁴⁵ Recurring episodes of homelessness are common among veterans. In a nationally representative survey of more than 1,500 veterans, 9% reported experiencing homelessness at some point in their adult life.⁴⁶ These individuals reported being homeless for an average of nearly two cumulative years; only 17% reported having used VA homeless or social services.

OVERLAPPING RISK FACTORS AND JUSTICE SYSTEM INVOLVEMENT

Deployment-related trauma exposure, combined with increased incidence of mental health and substance use disorders, elevate veterans' risk of contact with the justice system.⁴⁷ Not every veteran who experiences trauma or PTSD engages in criminal behavior. But those who do are more likely to have several risk factors that pre-dated their military service, as well as other risk factors acquired during service.⁴⁸ Post-9/11 veterans may be particularly at risk of criminal justice involvement. They are younger and more likely to be members of a minority racial or ethnic group than previous cohorts of veterans, which puts them at higher risk for arrest,⁴⁹ and they have seen more combat deployments and redeployments than any veteran cohort in our nation's history.

Research demonstrates robust associations between PTSD, TBI, substance use disorders, and both aggressive behavior and criminal justice system involvement for veterans.⁵⁰ PTSD and TBI, in particular, have been linked with such involvement – and elevated risk of rearrest.⁵¹ Among veterans incarcerated in jails, nearly nine in 10 (87%) had experienced a traumatic event in their lifetimes and 39% screened positive for PTSD, compared to an estimated PTSD prevalence rate of 6% among the civilian population.⁵² Among nearly 700 incarcerated veterans in Minnesota, the presence of TBI was associated with a 49% higher risk of rearrest and 85% higher risk of supervised release revocation.⁵³ Likewise, the presence of PTSD was associated with 64% higher supervised release revocation.⁵⁴ These findings align with a recent meta-analysis of 10 studies that found veterans with PTSD had a 61% higher chance of criminal justice system involvement than veterans without PTSD.⁵⁵

Heightened exposure to trauma during military service and the development of subsequent PTSD also increase risk for substance use disorders,⁵⁶ engagement in intimate partner violence⁵⁷ and violent crime among veterans.⁵⁸ For example, veterans with PTSD have been found to perpetrate intimate partner violence at rates two to three times the national average.⁵⁹ Studies examining the role of PTSD and alcohol misuse among post-9/11 veterans have found that combat exposure and increased PTSD symptom severity⁶⁰ and the presence of both PTSD and alcohol misuse⁶¹ predict engagement in violence. Specifically, in a study of nearly 1,400 post-9/11 veterans across the nation, 36% of veterans with PTSD and alcohol use disorder engaged in severe violence compared to 11% of veterans with alcohol use disorder only, 10% of veterans with PTSD only, and 5% of veterans who had neither PTSD nor alcohol use disorder.⁶²

The Transition from Military to Civilian Life

In military parlance, “transition” describes a veteran’s movement from service in the armed forces to civilian society. This process occurs across several dimensions, including medical, psychological, social, cultural, interpersonal, familial, professional, and financial.⁶³ Seeking to improve the transition experience for veterans, the DoD requires that all members participate in its Transition Assistance Program (TAP).⁶⁴ TAP was established in 1991 and updated in 2011 and 2019 to meet the evolving needs of service members. TAP includes an individualized transition plan, a career readiness assessment, engagement in a career pathways program, on-the-job apprenticeships, and counseling. TAP is a collaboration between three federal agencies—the Department of Labor, the VA, and the DoD—with no single agency or individual responsible for its success. Partner agencies split costs for the program. While an aggregate cost is not reported, in 2018 the DoD estimated it spent \$100 million on transition.⁶⁵

Despite these services, a 2019 survey found that 45% of veterans reported feeling inadequately prepared for the transition to civilian life.⁶⁶ Nearly two-thirds of veterans (61%) reported difficulty paying their bills following discharge, 42% said they have trouble obtaining medical care for themselves or their families, and 41% reported challenges with alcohol or drug misuse.⁶⁷

TYPES OF MILITARY DISCHARGES

The military discharges a growing share of people without honorable-discharge status. Generally speaking, the military discharges enlisted personnel with one of five designations: honorable, general, other than honorable, bad conduct, and dishonorable. Bad conduct and dishonorable discharges are punitive in nature and are assigned through

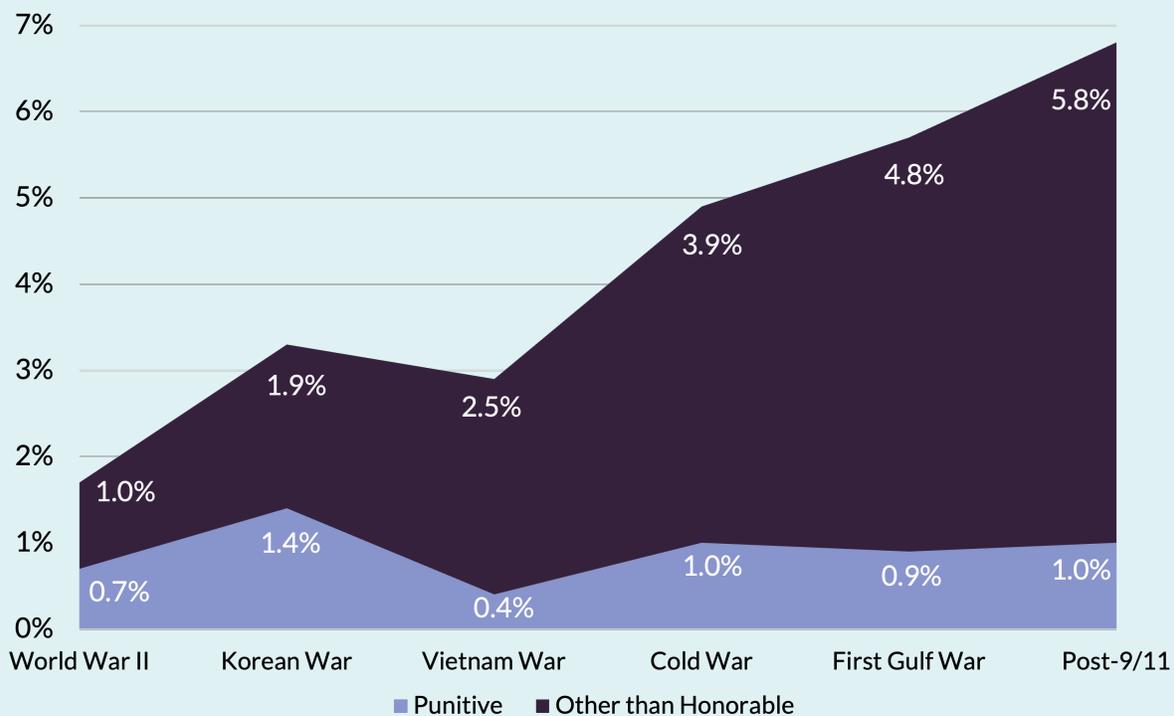
a military court martial, where service members retain legal representation. With other than honorable discharges, however, commanders make the designation outside of a legal process to regulate misconduct that has not led to a military-court conviction.

These three designations—dishonorable, bad conduct, and other than honorable (formerly known as the “undesirable discharge”)—inflict a heavy penalty. Together, they are commonly referred to as “bad paper” discharges. Bad-paper veterans are presumed, pursuant to VA regulations, to have been discharged under dishonorable circumstances.⁶⁸ As such, bad-paper veterans may lose access to all VA benefits and programs.

Applicants for VA benefits with bad paper have the right to challenge the regulatory presumption, but only 10% do so; the large majority (87%) who appeal for access to benefits are unsuccessful.⁶⁹ This outcome may run counter to legislative intent, as Congress apparently envisioned that all veterans, except those with dishonorable discharges, would be entitled to undergo a thorough evaluation for VA benefit eligibility.⁷⁰

These policies affect a growing share of veterans. Since World War II, the share of service members who receive an other than honorable discharge has increased fivefold. More

ENLISTED SERVICE MEMBERS WITH BAD PAPER DISCHARGES



Source: *The Veterans Legal Clinic at the Legal Services Center of Harvard Law School, 2020.*

than 6% of post-9/11 veterans receive such discharges annually,⁷¹ with significant variation across the military branches. In 2011, the Marines discharged 10% of enlisted personnel under other than honorable conditions, while the Air Force discharged fewer than 1% under such circumstances.⁷² Overall, more than 548,000 service members—representing about 7% of all characterized discharges—have received some type of bad paper discharge since 1980.⁷³

Overlapping Risk Factors and Other Than Honorable Discharges. Researchers have identified multiple factors as potential drivers of the growth in other than honorable discharges. The symptoms of mental health disorders, mission readiness concerns, command culture, and discrimination based on race and sexual orientation are three such explanations.⁷⁴ Between World War II and the end of the “Don’t Ask Don’t Tell”⁷⁵ policy in 2011, the military assigned more than 100,000 active-duty service members an other than honorable discharge because of their actual or perceived LGBTQ status.⁷⁶

Symptoms of both PTSD and TBI are strongly correlated with bad paper discharges.⁷⁷ According to the Government Accountability Office, 62% of the nearly 92,000 service members separated for misconduct between 2011 and 2015 had been diagnosed with PTSD, TBI, or other conditions that could be associated with misconduct within the two years prior to separation.⁷⁸ One reason cited for this linkage is that military superiors may assume that erratic behavior stemming from a mental health disorder represents a sign of bad character.⁷⁹ When a service member who commits misconduct has undiagnosed PTSD, superiors may assign a bad paper discharge without understanding the origins of the misbehavior.⁸⁰ Common PTSD symptoms can cause behavior contrary to military standards (e.g., failure to carry out duties, chronic tardiness, or failure to adhere to policy).⁸¹ According to one study of more than 443,000 veterans who deployed to Iraq or Afghanistan and subsequently used VA services, 45% of those discharged for misconduct were diagnosed with at least one mental health or substance use disorder, compared to 20% of those discharged under routine conditions.⁸² Specifically, a quarter of veterans discharged for misconduct had PTSD, compared to 12% of those discharged under routine conditions. Another study focused on deployed Marines found that those diagnosed with PTSD were 11 times more likely to be discharged for misconduct and eight times more likely to be discharged for substance misuse than Marines without a PTSD diagnosis.⁸³ The result is that many service members with PTSD are denied the very VA medical and mental health benefits intended to help them.

The Front End – Arrest through Sentencing

It is unclear how many veterans make contact with law enforcement and enter the “front end” of the criminal justice system. Information about how law enforcement, jails, and courts identify veteran status from arrested individuals is incomplete. This makes it difficult to know whether and how veterans are connected to available programs designed to address their risk and needs—and, beyond that, how many receive such support and whether these interventions are effective. Although national, cumulative arrest data on veterans is not available, one study found that nearly one third of veterans (31%) self-report that they had been arrested and booked one or more times in their lives, a rate significantly higher than among civilians (18%).⁸⁴

IDENTIFYING VETERANS AS THEY ENTER THE SYSTEM

Identifying veterans as they come into contact with the criminal justice system is a critical first step toward appropriately handling their cases in court and forging connections to benefits and services. It is unknown how many of the roughly 18,000 law enforcement agencies, 3,100 jails, and myriad federal, state, and local courts have policies requiring staff to ask about veteran status, or how many rely on veterans to self-report their status. Expecting veterans to self-report their status is problematic.⁸⁵ Some justice-involved veterans report reluctance about self-identification because of shame, fear that they will be viewed as a threat, or concerns about losing VA benefits.^{86,87}

In 2013, the VA created the Veterans Reentry Search Service (VRSS), a secure web-based tool that allows correctional facilities and other criminal justice partners to identify justice-involved people with prior military service.⁸⁸ In 2015, the VA designed a second search tool known as the Status Query and Response Exchange System (SQUARES) to identify veterans for homelessness assistance; it has since been extended to law enforcement, which can use it to quickly access military service records for defendants or incarcerated individuals.⁸⁹ The use of these tools by criminal justice agencies, however, remains uneven and sparse. In 2021, only 11% of the estimated 3,100 local jails used VRSS, while 15 out of 18,000 law enforcement agencies nationwide (fewer than one hundredth of one percent) used SQUARES.⁹⁰ It is unclear why participation in the two systems is so low and whether the use of these programs has been effective in the few places they have been implemented.

DEFLECTION AND DIVERSION PROGRAMS

Most arrested veterans will spend some period of time in jail, where, as with other subpopulations, programs tailored to their unique needs are rare. The VA, local governments, and community organizations have developed multiple initiatives to assist veterans who come in contact with the criminal justice system, including programs to divert them away from incarceration. But information on their prevalence and research on their effectiveness are limited. Three of the most common front-end approaches are detailed below.

Veterans Response Teams. Some communities have created Veterans Response Teams to help deflect veterans away from arrest during encounters with local law enforcement. These teams include specialized officers trained to deescalate situations involving veterans in crisis because of symptoms of PTSD, TBI, and other service-related injuries. After a crisis is resolved, team members connect veterans with treatment and other community resources as needed. Even where these interventions exist, however, there is some evidence that many veterans who would be candidates for participation are not identified due to their reluctance to disclose their veteran status. These individuals are less likely to engage in healthcare and mental health and substance use disorder treatment, which increases their risk for arrest and incarceration, the loss of VA benefits, and homelessness.⁹¹

Veterans Justice Outreach. To divert veterans away from incarceration after they come in contact with the criminal justice system, the VA in 2009 created the Veterans Justice Outreach Program, whose specialists—primarily social workers at VA medical centers—work with law enforcement, jails, and courts to identify justice-involved veterans and facilitate access to VA services.⁹² Although the program served more than 138,000 veterans between 2016 and 2020, participation is hampered by limited awareness of its existence among veterans, difficulties with identifying veterans in jail settings, and, for veterans with bad paper discharges, a lack of awareness of their eligibility for certain VA services. To date, research on program outcomes is limited, although legislation to improve implementation and assess program effectiveness has been introduced.⁹³

Veterans Treatment Courts. Veterans Treatment Courts are perhaps the most common standardized front-end intervention that enables some veterans to avoid long-term confinement and access supportive resources.⁹⁴ Modeled after drug and mental health courts,⁹⁵ such courts serve veterans diagnosed with mental health and/or substance use disorders, typically using a treatment team comprised of a judge, VA employees, and veteran peer mentors.⁹⁶ More than 600 Veterans Treatment Courts⁹⁷ and other veteran-focused courts operate across the nation.

Currently, Veterans Treatment Courts serve a narrow segment of the justice-involved veteran population, with many courts placing restrictions on types of cases they will hear. For example, a national survey of such courts found that 57% excluded at least one type of violent felony charge and more than one-third (35%) excluded veterans who had been dishonorably discharged from service.⁹⁸ Further, Veterans Treatment Courts are unevenly distributed across the nation, with some states running 20 or more courts and others with four or fewer.⁹⁹ Data on the number of veterans served by these courts are not readily available.

The different protocols among Veterans Treatment Courts make it difficult to conduct generalizable and rigorous research on outcomes.¹⁰⁰ But one national study of nearly 8,000 participants across 115 VA sites found that at program exit, the number of veterans in their own housing increased from 48% to 58% and the number of veterans receiving VA benefits increased from 38% to 50%. Employment however, only increased by 1% - from 27% to 28%.¹⁰¹ Approximately one-fifth of program participants received jail sanctions and 14% experienced a new incarceration during their time in the program. In another study comparing Veterans Treatment Courts participants to non-participants, veterans in the treatment court were more likely to have their own housing at program exit (67%) than non-participants (41%) and more likely to be employed (33% compared to 16%).¹⁰²

SENTENCING

Sentencing data for veterans is limited, particularly for those sentenced to probation or those who receive a deferred prosecution. For those sentenced to incarceration, a higher proportion of veterans (80%) than non-veterans (70%) receive sentences of five years or more.¹⁰³ Additionally, a higher proportion of incarcerated veterans (24%) than non-veterans (13%) are serving life sentences.¹⁰⁴

Some courts consider military service as a mitigating factor at sentencing, but this consideration often is limited to those with honorable discharges.¹⁰⁵ Similarly, some deferred prosecution statutes allow veterans to avoid a conviction even after they plead or are found guilty, if they can prove they suffer from an applicable condition stemming from military service, such as PTSD, TBI, or other service-related trauma.¹⁰⁶ This option has only recently become available in a limited number of jurisdictions and the number and rate of veterans' deferred prosecutions are unknown.

The Back End – Corrections through Reentry

Sentenced veterans enter the “back end” of the criminal justice system, where they face a range of unique challenges during incarceration, at release, during their reentry into the community, and, for those who release to probation or parole, during their post-release community supervision.

INCARCERATION

More than 107,000 veterans were incarcerated in state and federal prisons in 2016, the most recent year for which national prison data are available. Earlier estimates indicate that in 2011-2012, roughly 131,500 veterans were incarcerated in prisons and 50,000 veterans were confined in jails.¹⁰⁷ Veterans accounted for nearly 8% of those incarcerated in state prisons and more than 5% of people in federal prisons.¹⁰⁸ These levels represented a 6% decrease in the number of veterans in prison since 2004, and a 25% decrease in the number of veterans in jail.¹⁰⁹ Despite that decline, in 2011-2012, more veterans were held in U.S. prisons than total prisoners in all but 14 countries that, after the globe-leading United States, have the largest total prison populations (China, Brazil, India, Russian Federation, Turkey, Thailand, Indonesia, Mexico, Iran, Philippines, South Africa, Vietnam, Egypt, and Ethiopia).¹¹⁰ More veterans are incarcerated in the U.S than total prisoners in the 208 countries for which prison population data is available.¹¹¹

STUDIES OF INCARCERATED VETERANS SHOW THAT:

- + *They are overwhelmingly male (98%) and are, on average, 51 to 52 years old.¹¹² In contrast, incarcerated non-veterans are, on average, 38 to 40 years old. Like the overall incarcerated population, the age of veterans in prison has been rising steadily over the last 20 years.*
- + *Approximately half of incarcerated male veterans self-identify as White, one in four as Black, one in 10 as Hispanic/Latino, and more than one in 10 as multiracial.¹¹³*
- + *More than two-thirds of veterans in prison (69%) were convicted of violent crimes, compared to 57% of non-veterans. Of those, the share serving time for non-sexual violent crimes (43%) is similar to that for the non-veteran population. The share of veterans in prison for violent sexual offenses (26%) is more than double that for non-veterans.¹¹⁴*
- + *The majority of incarcerated veterans were discharged under honorable conditions, but about 18% of those in prison and jail received a bad paper discharge.¹¹⁵ As noted previously, the*

share of veterans with bad paper discharges has reached a high of 6%, meaning that veterans with such discharges are highly overrepresented in prison.¹¹⁶

For veterans struggling with PTSD or other trauma symptoms, many aspects of incarceration can resemble deployment to a combat zone, and mental health providers observe that incarcerated combat veterans often adopt the “survival mode” characteristics of those engaged in combat operations.¹¹⁷ While the nationwide prevalence of TBI among incarcerated veterans is not known, one study analyzing Washington State Department of Corrections data found that veterans who self-report TBI have increased use of in-prison medical services, higher rates of violent in-prison misconduct, and an increased likelihood of experiencing solitary confinement.¹¹⁸

Critical gaps remain in what is known about the population of incarcerated veterans. The data above come from sporadic studies using samples of the inmate population or snapshots in time without detailed trend data. Most states do not track or publish veteran-specific information. The absence of comprehensive and current data on the number of veterans in jails and prisons complicates efforts to understand and address their risks and needs.

IN-PRISON PROGRAMS AND SERVICES FOR VETERANS

Some jails and prisons have established targeted programming and specialized housing units for veterans.

Veterans Housing Units. States and counties designed these units to create a supportive environment for incarcerated veterans and facilitate the delivery of tailored programs.¹¹⁹ As of 2022, there were veteran-only housing units operating in 46 county jails, 74 state prisons, and three federal prisons across 33 states.¹²⁰ Trained staff typically operate the units, and incarcerated veterans assist and serve as peer mentors.

Although the use of veteran-only housing units appears to be a promising step, such units offer vary widely, making their appeal to veterans and overall effectiveness difficult to evaluate. For example, in a veteran-only housing unit in Connecticut, more than half (56%) of incarcerated veterans said the unit made them feel safer, but fewer than a third (31%) said the specialized environment had helped them receive mental health treatment.¹²¹ An evaluation of a veteran-only housing unit developed jointly by the San Diego County Sheriff’s Department and local VA administrators reported that unit residents had “significantly fewer custodial infractions” and were “significantly less likely to be convicted for a new offense at 12-months post-release” when compared to a historical group of incarcerated veterans who did not live in the unit.¹²² Overall, however, research on the rehabilitative impact of the veteran-only housing model is thin.¹²³

Veteran-Specific Programming. Little is known about the scope and effectiveness of veteran-specific programs delivered during custody, whether in veteran-only housing units or to veterans in the general prison population. Programs vary widely in the range of services they offer, and very few programs have been evaluated for effectiveness. Some programs partner with the VA to help incarcerated veterans apply for benefits prior to release;¹²⁴ others focus on incarcerated women veterans,¹²⁵ provide education, or offer individual and group therapy and treatment for mental health and substance use disorders. Still others engage incarcerated veterans through peer support networks.

Veterans eligible for VA-funded health services are disconnected from such benefits during incarceration.¹²⁶ Thus, absent their participation in veteran-specific programs, they typically receive the general services provided by the correctional facility. These services may or may not be tailored to meet the specific risks and needs of veterans, as is the case for other incarcerated subpopulations. Specifically, even prison programming that includes a focus on trauma may not address veterans' unique challenges related to combat, military sexual trauma-related PTSD, or the aftereffects of TBI.¹²⁷ Given that, veteran-specific behavioral health conditions may not be effectively addressed during incarceration, creating additional challenges for veterans as they leave prison and return home.

REENTRY CHALLENGES

People leaving prison are at high risk for death during reentry.¹²⁸ One study found that in the first two weeks following release, formerly incarcerated individuals are nearly 13 times more likely than other state residents to die.¹²⁹ The highest risk for death is from substance use disorders; individuals reentering from prison are 129 times more likely than the general population to die from a drug overdose.¹³⁰ Other causes include cardiovascular disease, homicide, and suicide.

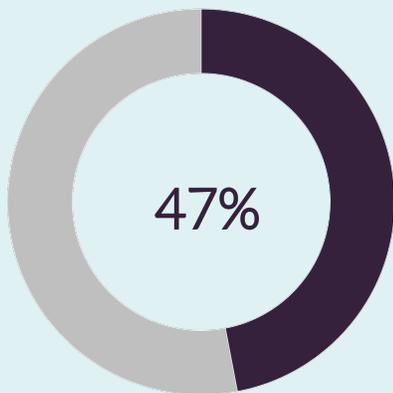
When adjusted for demographic factors, the post-incarceration mortality risk for veterans is not significantly higher than that of non-veterans.¹³¹ A study of Washington State Department of Corrections data concluded that VA benefits may reduce the likelihood of mortality during reentry by all causes.¹³²

Elevated prevalence of mental health and substance use disorders has been well documented among the general population of Americans under probation or parole supervision,¹³³ but less is known about the post-release veteran population. High rates of mental health and substance use disorders among incarcerated veterans¹³⁴ and insufficient treatment capacity for affected individuals during custody¹³⁵ suggest that many veterans may experience behavioral health issues during the reentry period. Among veterans who connected with a post-release VA outreach program, 57% were diagnosed with a mental health disorder and half (47%) were diagnosed with a substance use

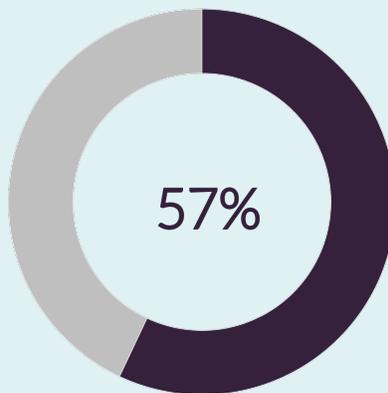
disorder.¹³⁶ About one third (35%) were diagnosed with co-occurring mental health and substance use disorders.

MENTAL HEALTH & SUBSTANCE USE DISORDERS

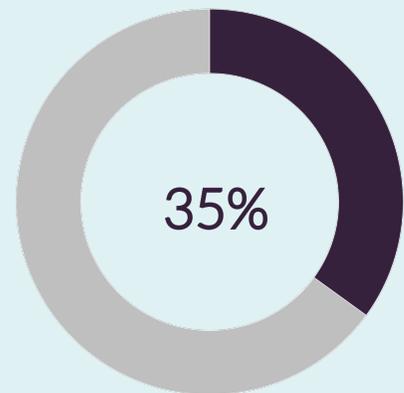
Among over 18,000 veterans who connected with a post-release VA program, 69% were diagnosed with at least one mental health or substance use disorder.



Veterans diagnosed with a substance use disorder



Veterans diagnosed with a mental health disorder



Veterans diagnosed with co-occurring mental health and substance use disorders

Source: Finlay, 2017.

Employment is one of the most well-documented barriers to successful reentry for individuals leaving prison.¹³⁷ Formerly incarcerated people have an unemployment rate of over 27%,¹³⁸ and approximately one third of reentering individuals do not obtain work within four years of their release.¹³⁹ While employment rates for previously incarcerated veterans are not readily available, factors such as substance use and longer incarceration episodes are correlated with a decreased likelihood of securing a job interview among veterans.¹⁴⁰ Still, given their service background, veterans enter the civilian job market with what would appear to be advantages in terms a range of skills, experiences, and training.

Unemployment exacerbates another challenge facing veterans reentering society—housing instability. In a national sample of veterans connected to a VA outreach program, 30% were identified as having experienced homelessness within the past three years, a rate five times that for men in the general population.¹⁴¹ People who are unemployed and unhoused are at greater risk for criminality.¹⁴²

REENTRY SUPPORT

Several federal, state, and local programs have been launched to help veterans transition from incarceration to the community. The VA's Veterans Justice Program partners with criminal justice agencies to identify reentering veterans and link them to VA and community services.¹⁴³ The Health Care for Reentry Veterans program, created by the VA in 2007, is the primary vehicle aiding veterans in prison, though Veterans Justice Outreach program specialists may also assist veterans during their reentry transition.

The Health Care for Reentry Veterans program provides targeted outreach to incarcerated veterans at 81% of state and federal correctional facilities across all 50 states and links them to healthcare treatment and other transition resources.¹⁴⁴ By identifying incarcerated veterans and connecting them with such services, the program aims to facilitate readjustment to community life and reduce homelessness and recidivism.¹⁴⁵ One study examined post-release outcomes for more than 31,000 veterans who received at least one "outreach visit" from the program while in prison. Results indicate that 56% of veterans leaving prison had contact with the VA health care system within a year of their outreach visits. Among veterans who received an outreach visit, 52% with a mental health diagnosis and 39% with a substance use disorder engaged in VA-funded treatment one year after their diagnosis.¹⁴⁶ Though other outreach results have not been evaluated, research shows that sustained treatment for mental health and substance use disorders among veterans with criminal justice contact is associated with better long-term criminal justice outcomes.¹⁴⁷

Once released from incarceration, most people are placed under supervision in the community by parole officers. In 2020, more than 3.8 million individuals—or 1 in 66 U.S. adult residents—were under some form of post-release supervision, a significant decline from the peak of 1 in 45 adults in 2008.¹⁴⁸ Due to data gaps, it is unclear how many veterans might be under probation or parole supervision after they leave incarceration and return home. One nationally representative study indicated that 2% of veterans were on probation and fewer than 1% were on parole, supervised release, or other conditional release after prison.¹⁴⁹

Although rates of reincarceration are well documented for individuals leaving incarceration more broadly, national analyses of recidivism among veterans have not been conducted. Descriptive research on incarcerated male veterans, however, indicates that in 2016, 55% to 65% of that population had experienced at least one prior incarceration and an average of two to three previous incarcerations.¹⁵⁰

Conclusion and Next Steps

This report is a preliminary assessment of the current evidence about American veterans' interactions with the civilian criminal justice system across four categories: risk factors, transition from service, and the so-called front and back ends of the justice system. From that vantage point, this document showed that veterans, and especially post-9/11 veterans, face unique risk factors for criminal justice involvement, ranging from multiple combat deployments to high PTSD rates and housing insecurity. For the 200,000 people who annually transition out of the military, the exit programs that await them often fail to meet expectations. In addition, increasing numbers of service members are leaving the armed forces with other than honorable discharges, which in almost all cases bar VA benefits.

At the front end of the criminal justice system, veterans are far more likely to be arrested and booked than civilians, yet they are under-identified and receive widely varying treatment in deflections and diversions from prosecution and at sentencing. At the back end, there is continued under-identification of veterans, high rates of PTSD and TBI, disparate in-prison programming, and multiple impediments to successful reentry.

This initial assessment is intended to inform the deliberations of CCJ's [Veterans Justice Commission](#), which held its first meeting on August 18, 2022. Former U.S. Defense Secretary and U.S. Senator Chuck Hagel chairs the Commission, which also includes former U.S. Defense Secretary and White House Chief of Staff Leon Panetta and 13 other leaders in science, the judiciary, the recovery field, healthcare, corrections, law enforcement, veterans affairs, and the military. The Commission's charge is to study the challenges facing veterans and develop evidence-based, nonpartisan solutions that reduce veteran involvement in the criminal justice system and enhance safety, health, and justice.

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https://www.va.gov/vhapublications/ViewPublication.asp?pub_ID=5473

¹⁴⁶ Finlay, A. K., Stimmel, M., Blue-Howells, J., Rosenthal, J., McGuire, J., Binswanger, I., ... & Timko, C. (2017). Use of Veterans Health Administration mental health and substance use disorder treatment after exiting prison: The Health Care for Reentry Veterans program. *Administration and Policy in Mental Health and Mental Health Services Research, 44*(2), 177-187.

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From: [Marlow, Mariel \(CDC/DDID/NCHHSTP/OD\)](#)
To: [Carson, Elizabeth \(OJP\)](#)
Cc: [Myles, Ranel \(CDC/DDID/NCHHSTP/OD\)](#); [MacGowan, Robin J. \(CDC/DDID/NCHHSTP/DHP\)](#); [McCree, Donna \(CDC/DDID/NCHHSTP/OD\)](#)
Subject: [EXTERNAL] Recommended revisions to HIV questions in the National Prisoner Statistics Program Survey
Date: Monday, November 28, 2022 9:41:04 AM
Attachments: [image001.png](#)
[image002.png](#)

Dear Dr. Carson,

Hope you are well. We appreciate the opportunity to provide public comment on the Federal Register announcement Agency Information Collection Activities: National Prisoner Statistics Program. Document Citation: 87 FR 57221, Page: 57221-57222, Agency/Docket Number: OMB Number 1121-0102, Document Number: 2022-20159. Apologies that we are submitting our comment pass the deadline. We hope the suggestions provided below will still be considered.

One of the items seeking comments concerns the quality, utility, and clarity of the information to be collected and how it can be enhanced. We are writing to provide recommended revisions to the collection of data on HIV testing and diagnosis among persons in custody question. These recommended revisions are consistent with current recommended HIV terminology use from the CDC National Center for HIV, Viral Hepatitis, STD, and TB Prevention, Division of HIV Prevention. Adoption of this language would allow for better comparison with CDC surveillance and research data, be consistent with the adoption of persons first language for data standards, and assist with ensuring all persons diagnosed with HIV will be counted.

Edit to Question: On December 31, *YEAR*, how many people (inmates) under your custody were diagnosed with HIV infection? *Suggestion: Use the words “were diagnosed” because they would not know how many were living with HIV and had not been diagnosed. This will more accurately reflect the data being reported.*

Edit to Explanation: Include all people (inmates) under your custody, regardless of sentence length, who had been diagnosed with HIV and who did not have HIV-related symptoms, had HIV-related symptoms and those who have confirmed AIDS/Stage 3 HIV infection. (“AIDS” should probably be included here, but the Stage 3 HIV infection could be excluded.)

OLD QUESTION

18. On December 31, 2021, how many inmates under your custody were —

- Include all inmates under your custody, regardless of sentence length.

	Male	Female
a. Asymptomatic HIV positive (Inmates who were HIV positive but had no HIV-related symptoms.)	<input type="text"/>	<input type="text"/>
b. Infected with lesser forms of symptomatic HIV disease (Inmates who had symptoms of HIV infection but without a confirmed AIDS diagnosis.) . . .	<input type="text"/>	<input type="text"/>
c. Confirmed to have AIDS . . .	<input type="text"/>	<input type="text"/>
d. TOTAL (Sum of items 18a to 18c)	<input type="text"/>	<input type="text"/>

NEW QUESTION:

18. On December 31, 2021, how many inmates under your custody were living with HIV/AIDS —

Include all inmates under your custody, regardless of sentence length who were HIV positive but had no HIV-related symptoms, were HIV positive and had HIV-symptoms, or had confirmed AIDS.

- a. Male
- b. Female

If it is useful, here is the text from the [HIV Surveillance Report page](#):

The annual HIV Surveillance Report provides an overview on the current epidemiology of HIV disease in the United States and dependent areas. CDC funds state and territorial health departments to collect surveillance data on persons **with diagnosed HIV infection**; all personal identifiers are removed from these data before being transmitted to CDC via a secure data network. Data are analyzed by CDC and then displayed by age, race, sex at birth, gender, transmission category, and jurisdiction (where appropriate). Prior to the 2008 reporting year, the report was referred to as the *HIV/AIDS Surveillance Report*.

Please feel free to reach out with any questions.

Best regards,
Mariel

Mariel Marlow, PhD, MPH

Health Scientist, Correctional Health Coordinator
Office of Health Equity
National Center for HIV, Viral Hepatitis, STD, and TB Prevention
Centers for Disease Control and Prevention, MS US8-6
1600 Clifton Road, NE
Atlanta, Georgia 30329-4027
Office: 404-639-4731 Fax: 404-639-0897 Email: KLT8@cdc.gov
Pronouns: she, her, hers

Appendix 5:

**National Prisoner Statistics Program: Letter from
BJS to accompany the 2022 data collection form**



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Washington, D.C. 20531

December 15, 2022

<<Name>>

<<Title>>

<<Department>>

Dear <<salutation>>,

Enclosed is a copy of the National Prisoner Statistics (NPS 1B) form for your 2022 yearend data. The Bureau of Justice Statistics (BJS) wants to thank you for your past participation in NPS. The 2022 collection is the 97th year of continuous data collection for the NPS, which was authorized as a national data collection program by Congress in 1926. The NPS data are widely used by practitioners, policy makers, researchers, and the general public.

The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 USC 3732), authorizes collection of these data. The Office of Management and Budget approved this collection (OMB Control No: 1121-0102; Expiration Date: 01/30/2023; currently undergoing reapproval). For more information, see https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201403-1121-006.

Your participation is voluntary but we need your assistance to make the NPS data complete and accurate. BJS is committed to disseminating accurate and timely statistics, and we plan to publish the *Prisoners in 2021* bulletin in October, 2022 as a final count of prison admissions, releases, and yearend population. For that reason, we request that you complete and submit your form by **February 28, 2023**.

Abt Associates is again the BJS data collection agent for NPS-1B. The majority of NPS respondents are also respondents to the National Corrections Reporting Program (NCRP). Abt Associates serves as data collection agent for both the NPS and the NCRP.

We ask that you submit your NPS-1B data via the web, at **nps.abtassociates.com**. Login and password information are enclosed. If you need technical assistance in submitting your data, please contact Tom Rich via email at Tom_Rich@abtassoc.com, or by phone at (617) 349-2753.

If you have questions to the NPS collection, please contact the BJS NPS program manager, Ann Carson, at Elizabeth.Carson@usdoj.gov or (202) 616-3496. We thank you greatly for your continued participation in BJS's statistical programs.

Sincerely,

Richard Kluckow
Chief, Corrections Statistics Unit

Enclosure

Appendix 6:

National Prisoner Statistics Program Screenshots of 2021 NPS-1B secure web data collection tool



NATIONAL PRISONER STATISTICS - 1B

SUMMARY OF SENTENCED POPULATION MOVEMENT

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Department Of Corrections

Action	Status	Section	Description
Review	Complete 25/01/2022 08:03 PM	1	Year-End Prison Counts
Review	Complete 25/01/2022 08:04 PM	2	Admissions and Releases During 2021
Review	Complete 13/01/2022 05:04 PM	3	Prison System Capacity
Review	Complete 25/01/2022 08:07 PM	4	Special Custody Populations
Review	Complete 13/01/2022 05:52 PM	5	HIV/AIDS
Review	Complete 13/01/2022 05:54 PM	6	Notes



Year-End Prison Counts

2. On December 31, 2021, how many inmates under your jurisdiction –

	December 31, 2021		December 31, 2020	
	Male	Female	Male	Female
a. Had a total maximum sentence of more than 1 year <i>(Include inmates with consecutive sentences that add to more than 1 year.)</i>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
b. Had a total maximum sentence of 1 year or less	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
c. Were unsentenced	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
d. Total <i>(Sum of items 2a to 2c)</i>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Mark (X) this box if jurisdiction numbers for 2021 are not comparable to 2020. Explain in NOTES.



NATIONAL PRISONER STATISTICS - 1B SUMMARY OF SENTENCED POPULATION MOVEMENT

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Year-End Prison Counts

3. On December 31, 2021, how many inmates under your jurisdiction were housed in a privately operated correctional facility –

- Exclude inmates housed in any publicly operated facility, even if under contract.
- Include inmates housed in any privately operated halfway houses, treatment facilities, hospitals, or other special facility.

	December 31, 2021		December 31, 2020	
	Male	Female	Male	Female
a. In your State	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
b. In another State	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
c. Are these inmates included in item 2? <i>(If item 3c is "NO", explain in the NOTES section.)</i>	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="text"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="text"/>		



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Year-End Prison Counts

4. On December 31, 2021, how many inmates under your jurisdiction were housed in local facilities operated by a county or other local authority? —

- Exclude inmates housed in privately operated facilities (reported in items 3a and 3b).
- Include inmates housed in local facilities under contract or other arrangement.

	December 31, 2021		December 31, 2020	
	Male	Female	Male	Female
a. TOTAL <i>(If "0" (zero), skip to item 5.)</i>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
b. Are these inmates included in item 2? <i>(If item 4b is "NO", explain in the NOTES section.)</i>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No		
	<input type="text"/>	<input type="text"/>		

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Year-End Prison Counts

5. On December 31, 2021, how many inmates under your jurisdiction were housed –

- Exclude inmates housed in privately operated facilities (reported in items 3a and 3b) and inmates housed in local jails (reported in item 4a).

	December 31, 2021		December 31, 2020	
	Male	Female	Male	Female
a. In Federal facilities	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
b. In other States' facilities – <ul style="list-style-type: none"> Include only those inmates housed in State-operated facilities in other States. (If "0" (zero) in items 5a and 5b, skip to item 6.) 	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
c. Are these inmates included in item 2? <p>(If item 5c is "NO", explain in the NOTES section.)</p>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No		
	<input type="text"/>	<input type="text"/>		

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6. On December 31, 2021, how many inmates under your jurisdiction were —

(Hover over each race/ethnicity name for race/ethnicity definitions.)

	December 31, 2021	
	Male	Female
a. White <i>(not of Hispanic origin)</i>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
b. Black or African American <i>(not of Hispanic origin)</i>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
c. Hispanic or Latino	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
d. American Indian/Alaska Native <i>(not of Hispanic origin)</i>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
e. Asian <i>(not of Hispanic origin)</i>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
f. Native Hawaiian or other Pacific Islander <i>(not of Hispanic origin)</i>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
g. Two or more races <i>(not of Hispanic origin)</i>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
h. Additional categories in your information system — <i>Specify</i> <input type="text"/>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
i. Not known	<input type="text"/> NA	<input type="text"/> NA
j. TOTAL <i>(Sum of items 6a to 6i should equal item 2d)</i>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>

Reporting Instructions

- Include only those inmates with a total maximum sentence of more than 1 year.
- Include inmates under your jurisdiction, regardless of where they are housed.
- Exclude short-term movements (less than 30 days) where jurisdiction is retained (e.g., to court and on furlough.)
- Escapees include inmates that were physically within facility boundaries at time of disappearance.
- AWOLs include inmates that were physically outside facility boundaries at time of disappearance, example: work release.

7. Between January 1, 2021 and December 31, 2021, how many inmates sentenced to more than 1 year under your jurisdiction were admitted as –

	December 31, 2021	
	Male	Female
a. New court commitments <i>(Include probation violators entering prison on probated sentence, split sentences, and shock probation.)</i>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
b. Parole violators –		
(1) with a new sentence	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
(2) Without a new sentence <i>(Include violators returned without a new sentence, those held pending a hearing, and those not formally revoked.)</i>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
c. Other conditional release violators <i>(Include returns from mandatory release other than parole.)</i>		
(1) With a new sentence	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
(2) Without a new sentence	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
d. Transfers from other jurisdictions <i>(Include inmates received from other jurisdictions to continue sentences already in force.)</i>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
e. AWOL returns, with or without new sentences	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
f. Escapee returns, with or without new sentences	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
g. Returns from appeal or bond <i>(Include all inmates reinstated after long-term absences of more than 30 days.)</i>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
h. Other admissions – <i>Specify</i> <input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
i. TOTAL <i>(Sum of items 7a to 7h)</i>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>

8. Between January 1, 2021 and December 31, 2021, how many inmates sentenced to more than 1 year under your jurisdiction were released as –

	December 31, 2021	
	Male	Female
a. Unconditional releases		
(1) Expirations of sentence <i>(Include inmates who served their maximum sentence minus credits.)</i>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
(2) Commutations <i>(Include inmates whose sentence was lowered to time served to allow for an immediate unconditional release.)</i>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
(3) Other unconditional releases <i>Specify</i> <input type="text"/>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
b. Conditional releases		
(1) Probations <i>(Include inmates released on shock probation or placed on probation and conditionally released.)</i>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
(2) Supervised mandatory releases <i>(Include inmates who by law had to be conditionally released)</i>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
(3) Discretionary paroles	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
(4) Other conditional releases <i>Specify</i> <input type="text"/>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
c. Deaths	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
d. AWOLs	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
e. Escapes from confinement	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
f. Transfers to other jurisdictions <i>(Include inmates sent to other jurisdictions to continue sentences already in force.)</i>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
g. Releases to appeal or bond	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
h. Other releases- <i>Specify</i> <input type="text"/>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
i. TOTAL <i>(Sum of items 8a to 8h)</i>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>



NATIONAL PRISONER STATISTICS - 1B SUMMARY OF SENTENCED POPULATION MOVEMENT

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Admissions and Releases During 2021

9. How many inmates with a total maximum sentence of more than one year were –

	December 31, 2021	
	Male	Female
a. Under your jurisdiction on January 1, 2021	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
b. Admitted during 2021 <i>(Transcribe from item 7i)</i>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
c. Released during 2021 <i>(Transcribe from item 8i)</i>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
d. Under your jurisdiction on December 31, 2021 <i>(Add items 9a and 9b, subtract item 9c, should equal item 2a.)</i>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>

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10. On December 31, 2021, what was the capacity of your prison system?

(Exclude capacity of private facilities.)

	December 31, 2021	
	Male	Female
a. Rated capacity <i>(The number of beds or inmates assigned by rating officials to institutions within your jurisdiction.)</i>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
b. Operational capacity <i>(The number of inmates that can be accommodated based on staff, existing programs, and services in institutions within your jurisdiction.)</i>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
c. Design capacity <i>(The number of inmates that planners or architects intended for all jurisdictions within your jurisdiction.)</i>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>

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Special Custody Populations

	December 31, 2021	
	Male	Female
11. On December 31, 2021, how many inmates in your custody, plus those held in private prisons, were under age 18?	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>

12. On December 31, 2021, how many inmates in your custody, plus those held in private prisons, were –

	December 31, 2021	
	Male	Female
U.S. Citizens	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
Non-U.S. Citizens	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
Unknown Citizenship	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>

13. On what total population is your count of citizens and non-citizens based?

(please check only one):

- Prisoners in our physical custody AND private prisons (Q1d+Q3)
- Prisoners in our physical custody only (no private prisons) (Q1d)
- Prisoners under our jurisdiction (Q2d)
- Some other total population

Reporting Instructions

- For the following section **HIV test** includes any type of test, oral or blood, used to diagnose HIV among adults.
- If you are unable to report an item using NPS definitions and reporting criteria, describe the definitions or criteria you used in the **NOTES** section.
- Exclude inmates held in local jails, private facilities and facilities in other jurisdictions.
- Include inmates held in any public facility run by your state, including halfway houses, camps, farms, training/treatment centers, and hospitals.

14. On December 31, 2021, which of the following best described HIV testing among inmates entering your facilities? (Check only one)

- *Include all testing done upon entry such as during the intake process, reception or shortly thereafter.*
 - All inmates were tested for HIV regardless of whether the inmate agreed (Skip to Question 16)
 - All inmates were told that an HIV test will be performed, and the test was given unless the inmate declined
 - All inmates were told that HIV testing was available, and the inmate must have requested a test
 - Inmates were only tested based upon an assessment of high-risk behavior, medical history, or other clinical evaluation
 - Not all inmates were told that an HIV test is available, but were tested if they requested one
 - Other (Please specify)
Specify:
 - Did not provide HIV testing (Skip to Question 16)

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15. On December 31, 2021, which of the following best described consent for HIV testing among inmates entering your facility? (Check only one)

- General consent for medical services was obtained
- Separate consent, specifically for HIV testing, was obtained
- Inmate consent was not obtained

16. On December 31, 2021, which of the following described HIV testing among inmates already in custody? (Check all that apply)

• *Exclude all testing done during the entry and discharge processes.*

- Offered HIV test during routing medical examinations
- Tested inmates in high-risk groups
- Tested upon request from the inmate
- Tested upon clinical indication
- Tested upon court order
- Tested following involvement in an incident
- Other (Please specify)

Specify:

- Did not provide HIV testing

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SUMMARY OF SENTENCED POPULATION MOVEMENT

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HIV/AIDS

17. On December 31, 2021, which of the following best described HIV testing among inmates during discharge planning? (Check only one)

- *Include all testing done upon exit or during the discharge process.*
- *Exclude all testing done upon entry or among inmates already in custody.*

- All inmates were offered HIV testing
- Some inmates were offered HIV testing
- Inmates were only tested upon request from the inmate
- Other (Please specify)

Specify:

- Did not provide HIV testing

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18. On December 31, 2021, how many inmates under your custody were -

- *Include all inmates under your custody regardless of sentence length*

	December 31, 2021	
	Male	Female
a. Asymptomatic HIV positive <i>(Inmates who were HIV positive but had no HIV-related symptoms.)</i>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
b. Infected with lesser forms of symptomatic HIV disease <i>(Inmates who had symptoms of HIV infection but without a confirmed AIDS diagnosis.)</i>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
c. Confirmed to have AIDS	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
d. TOTAL <i>(Sum of items 18a to 18c)</i>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>

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NATIONAL PRISONER STATISTICS - 1B

SUMMARY OF SENTENCED POPULATION MOVEMENT

National Prisoner Statistics

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Notes

Please review last year's explanatory notes and make any corrections, additions, or deletions necessary for 2021.

Please mark (X) box to indicate that you have reviewed and updated the notes.

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Appendix 7:

**National Prisoner Statistics Program
Non-response follow-up email**

Date

Contact
Title
Department
Address 1
City, State Zipcode

Dear Contact,

Thank you for your continued participation in the National Prisoner Statistics 1B year-end data collection program.

BJS intends to publish its annual *Prisoners in 2022* bulletin in September 2023 to provide the public with more timely statistics. To meet this deadline, we request that you submit your 2022 form as soon as possible. If you have inquiries regarding the collection, please contact Tom Rich, our data collection agent at Abt Associates, Inc, via telephone at 617-349-2753 or email at tom_rich@abtassociates.com. If you have any general comments about these collections, you may also contact me 202-616-3496 or Elizabeth.Carson@usdoj.gov.

Sincerely,



E. Ann Carson, Ph.D.
Corrections Statistics Program

Appendix 8:

National Prisoner Statistics Program Email request for final tabulation review and approval

Date

Contact

Title

Department

Address 1

City, State Zipcode

Dear Contact,

Thank you for participating in the National Prisoner Statistics Program (NPS). The Bureau of Justice Statistics (BJS) is getting ready release its annual *Prisoners in 2022* bulletin at the end of September 2023.

Attached are 8 draft tables using data on prisoners under your jurisdiction and in your custody on December 31, 2022. We are sending you this draft before the public release to give you an opportunity to verify the accuracy of your data. We have also attached a blank NPS form should you need to refer back to BJS definitions for various measures. Please review these tables and provide any revisions before **July 15, 2023**. If we do not hear from you by that time, we will assume that your state's statistics are correct and will proceed with publication.

The numbers contained in the tables are preliminary and may be revised. Please do not cite data for any other jurisdictions prior to publication of the report.

On behalf of the Bureau of Justice Statistics, I thank you for providing these data to us. If you have any questions about your data, please contact me at 202/616.3496 or elizabeth.carson@usdoj.gov.

Sincerely,

E. Ann Carson
Corrections Statistics Unit
Bureau of Justice Statistics
U.S. Department of Justice

Attachment.

Appendix 9:

**National Prisoner Statistics Program
2022 NPS-1B(T) data collection form**

RETURN TO

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

FORM **NPS-1B(T)**
(1-31-2023)

**National Prisoner Statistics
Prison Population Report
2022**

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

DATA SUPPLIED BY

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

GENERAL INFORMATION

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

Who does this survey cover?

*This survey covers all sentenced and unsentenced inmates under your jurisdiction on **December 31, 2022**, regardless of the location of the inmates.*

- INCLUDE inmates under your Territory's/Commonwealth's jurisdiction held in your prison facilities (e.g., prisons, penitentiaries and! correctional institutions; reception, diagnostic and classification centers; half-way houses, treatment centers, release centers, work farms,! bootcamps, and prison farms).
- INCLUDE inmates under your jurisdiction backed up in local jails or held in another jurisdiction's facilities.
- INCLUDE inmates who are temporarily absent (less than 30 days), out to court, or on work release.
- INCLUDE inmates who are serving a sentence for your Territory/Commonwealth and another jurisdiction at the same time in your facilities.
- EXCLUDE pre-trial detainees and other inmates held in your Territory's/Commonwealth's facilities for another jurisdiction.

This survey covers all sentenced and unsentenced inmates in your custody on **December 31, 2022**.

- INCLUDE your jurisdiction's inmates and inmates your Territory/Commonwealth housed for other jurisdictions who were physically located in your prison facilities on **December 31, 2022**.
- EXCLUDE your Territory's/Commonwealth's inmates held outside of your prison facilities.

INSTRUCTIONS

- **Please do not leave any item blank.**
- If the answer to a question is "not available" or "unknown," write "DK" in the space provided.
- If the answer to a question is "not applicable" write "NA" in the space provided.
- If the answer to a question is "none" or "zero," write "0" in the space provided.
- Please give the name, title, telephone number, fax number and e-mail address of the person filling out the report in the space provided above.

SECTION I – YEAR-END JURISDICTION COUNTS

1. On December 31, 2022, how many inmates under your jurisdiction–

Please do not count any inmates in more than one category.

- Include all inmates for whom your Territory/Commonwealth government has the legal authority and responsibility for the enforcement of their prison sentence, regardless of their location.

a. Had a total maximum sentence of more than 1 year?

- Include inmates serving consecutive sentences that add to more than 1 year.
- Include inmates serving concurrent sentences in which the sentence for the most serious offense is more than 1 year.

December 31, 2022

**December 31, 2021
(If Available)**

Male Female

Male Female

--	--	--	--	--

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b. Had a total maximum sentence of 1 year or less?

c. Were unsentenced?

d. TOTAL

(Sum of Items 1a through 1c)

--	--	--	--	--

--	--	--	--	--

2. How complete are the counts in item 1, above? Mark (X) one.

- Complete count** — The figures are based on actual counts of all inmates under your jurisdiction.
- Partial count** — The figures are based on actual counts of inmates under your jurisdiction but exclude certain types of inmates who should be included in the counts (e.g., inmates housed in other jurisdictions, facilities due to crowding). *Please identify the types of inmates excluded in Section V on page 4.*
- Estimate** — The figures are based on estimates rather than actual counts of inmates under your jurisdiction. *Please identify which items were estimated, and how the estimates were derived in Section V on page 4.*

SECTION II – YEAR-END CUSTODY COUNTS

3. On December 31, 2022, how many inmates under your custody–

Please do not count any inmates in more than one category.

- Include all inmates who are physically located in your Territorial facilities only, including those your Territory housed for another jurisdiction.

a. Had a total maximum sentence of more than 1 year?

- Include inmates serving consecutive sentences that add to more than 1 year.
- Include inmates serving concurrent sentences in which the sentence for the most serious offense is more than 1 year.

December 31, 2022

**December 31, 2021
(If Available)**

Male Female

Male Female

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b. Had a total maximum sentence of 1 year or less?

c. Were unsentenced?

d. TOTAL

(Sum of Items 3a through 3c)

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4. How complete are the counts in item 3, above? Mark (X) one.

- Complete count** — The figures are based on actual counts of all inmates under your custody.
- Partial count** — The figures are based on actual counts of inmates in your custody but exclude certain types of inmates who should be included in the counts (e.g., inmates from another jurisdiction housed in your facilities). *Please identify the types of inmates excluded in Section V on page 4.*
- Estimate** — The figures are based on estimates rather than actual counts of inmates in your custody. *Please identify which items were estimated, and how the estimates were derived in Section V on page 4.*

SECTION III RACIAL AND ETHNIC COMPOSITION

5. On December 31, 2022, how many inmates under your jurisdiction—

Please do not count any inmates in more than one category.

- Include all inmates for whom your Territory/Commonwealth government has the legal authority and responsibility for the enforcement of their prison sentence, regardless of their location.

December 31, 2022

**December 31, 2021
(If Available)**

Male Female Male Female

a. White (not of Hispanic origin)				
b. Black (not of Hispanic origin)				
c. Hispanic or Latino (If your system records indicate Hispanic origin separately from race, enter "NR" in item 5c and report count in NOTES.)				
d. American Indian/Alaska Native (not of Hispanic origin)				
e. Asian (not of Hispanic origin)				
f. Native Hawaiian or Other Pacific Islander (not of Hispanic origin)				
g. Two or more races (not of Hispanic origin)				
h. Additional categories in your information system – Specify 				
i. Not known				
j. TOTAL (Sum of 5a through 5i)				

SECTION IV – CROWDING AND CAPACITY

6. a. On December 31, 2022, how many inmates were under your jurisdiction but were housed in facilities operated by other Commonwealth/Territory, State, or Federal authorities, solely to ease prison crowding?

- INCLUDE only inmates that were held in a prison in another Commonwealth/Territory, State, or in the Federal system, solely to ease prison crowding.
- EXCLUDE inmates held outside your jurisdiction’s facilities for reasons other than crowding (e.g., work release, court appearance, hospitals, treatment programs).

December 31, 2022

Male Female

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b. Are these inmates included in the counts in Section I, item 1d?

- Yes No — *Please explain in Section V on page 4.*

7. On December 31, 2022, what was the capacity of your prison system?

- If your system has more than one prison, enter the combined capacity.
- If the answer is "not available" or "unknown," write "DK" in the space provided.
- If the answer is "not applicable," write "NA" in the space provided.

December 31, 2022

Male Female

a. What was the rated capacity?

- The number of beds or inmates assigned by rating officials to institutions.

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b. What was the operational capacity?

- The number of inmates that can be accommodated based on staff, existing programs, and services in institutions.

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c. What was the design capacity?

- The number of inmates that planners or architects intended for all institutions within your jurisdiction.

--	--

SECTION V - EXPLANATORY NOTES