

## Cognitive Interview Evaluation of Survey Questions on Respondent Involvement with the Criminal Justice System

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### Introduction

This report documents a cognitive interview study conducted by the National Center for Health Statistics' (NCHS) Coordinating Center for Questionnaire Design and Evaluation Research (CCQDER) in collaboration with the Assistant Secretary for Planning and Evaluation (ASPE). The purpose was to evaluate survey questions on respondent experiences with the criminal justice system in order to understand the constructs of arrest, conviction, and incarceration.

### Method

The CCQDER staff conducted 45 cognitive interviews with English speaking adults (aged 18 and over) who had ever been arrested, convicted, or served jail time, or who had a spouse or family member who had ever been arrested, convicted, or served jail time. Once the primary criteria was met, a secondary sample goal was demographic diversity, which was constrained by those who met the first criteria and agreed to partake in the study. Respondents were recruited through a combination of newspaper advertisements, flyers, and word-of-mouth. The demographic sample composition is summarized in Table 1, in total and by round. The total sample was split almost evenly among men and women, 53% to 47% respectively. However, there were more Black/African American respondents (87%) than White respondents (13%) and no respondents were of Hispanic origin. Most (73%) had a high school diploma or less and only 27% had a college degree (two-year, four-year, or graduate degree).

**Table 1: Respondent Demographics by Round and in Total**

	Round 1 (n = 20)		Round 2 (n = 25)		Total (n = 45)	
	Number	Percent	Number	Percent	Number	Percent
<b>Race</b>						
Black/African American	18	90%	21	84%	39	87%
White	2	10%	4	16%	6	13%
<b>Gender</b>						
Male	11	55%	13	52%	24	53%
Female	9	45%	12	48%	21	47%
<b>Education</b>						
High School Diploma or Less	16	80%	17	68%	33	73%
College Degree	4	20%	8	32%	12	27%

A forty-dollar remuneration, standard for most CCQDER cognitive interview studies, was given to

respondents who participated. Interviews were video recorded, lasted no longer than one hour, and took place in the CCQDER laboratory in two iterative rounds. The first round consisted of 20 interviews. Findings from round one guided question design changes, which were then evaluated in the second round of 25 interviews.

The interview goal was to determine the extent to which questions accurately captured the arrest, conviction, and incarceration experiences of respondents. This was accomplished by first administering the survey questions in an interviewer-administered format, then examining the types of experiences respondents included in their answers and any difficulties they experienced when answering. For example, retrospective probing targeted trouble with comprehension, recall, phrases and terminology, and any difficulty with proxy reporting (i.e., answering for a spouse). The project team consisted of four interviewers who each compiled notes summarizing how each respondent answered the question and the manner in which they arrived at their answer. Interview summaries were entered into Q-Notes, a data entry and analysis software application designed specifically for cognitive interview studies. Next, the analyst compared summary notes across each question to establish interpretive patterns and common themes that ultimately explained the question-response process and documented the constructs captured by each question. Finally, themes were examined across subgroups to determine the extent to which interpretive patterns varied among groups.

## Findings

This section reviews findings. It begins with a brief overview of larger themes associated with the question-response process, and ends with a more detailed question-by-question analysis of how each item performed in the cognitive test.

Several factors made it difficult for respondents to provide accurate answers to many of the questions. First, experiences with the criminal justice system are often complicated for respondents to understand and easily convey. Second, common terms – such as arrest or conviction – do not always have common understandings. Third, recall can be difficult for respondents with either extensive experience with the criminal justice system, or whose experience occurred long ago. Finally, the questions may not be well-suited for those whose crimes are labeled as white collar. Each of these themes are discussed next.

### *Experiences are Often Complicated*

Respondents with extensive experiences in the criminal justice system often had difficulty fitting their understandings into seemingly straightforward terms and concepts. For example, some respondents struggled with reporting the number of times they were arrested. Some of the difficulty was due to recall; however, the process of judging which experiences to include and which to exclude in their answer also proved difficult for some respondents. For example, it was unclear to respondents whether they should include arrests that occurred for something they did not do and, therefore, did not result in conviction.

It was also unclear to them whether they should include as separate arrests those times they violated terms of probation. Several respondents were convicted of a crime, sentenced to prison, were released on probation, violated the terms of probation, had a warrant out for their arrest, and ended up back in prison. Some were not certain whether that counted as one arrest or two.

Another source of confusion was over whether convictions still stood as convictions if they were ultimately expunged from the respondent's record after, say, satisfying community service requirements. Details of these examples can be found in questions 2, 9e, and 9f of the question-by-question section.

### *Confusing Terms*

Several key terms in the instrument were not always clear. Three examples present in many of the questions were the terms 'jail', 'prison', and 'incarcerated'. For example, there were varied understandings of the word incarcerated. Some respondents thought it referred only to long-term stays for serious crimes; others understood it to mean any time spent in jail or prison. (This term was dropped from questions in round 2.) Similarly, jail and prison were seen as either the same or different places. Questions that included both terms were easier to answer because this did not require respondents to make a distinction between the two. On the other hand, questions that contained only one or the other (jail or prison), required respondents to decide whether the question was asking about incarceration in general, or about jail and prison specifically as distinct and different places. Details of this phenomenon are in the question-by-question section.

Additionally, respondents did not always have clear understandings of the terms 'charged' and 'convicted'. Sometimes they confused the two. Other times respondents were not sure whether charges which were expunged from their record after being satisfied with community service or probation still counted as a conviction. This made questions 9e and 9f difficult for respondents to answer accurately.

In sum, because key terms were not consistently understood, it was unclear to respondents whether the questionnaire was about incarceration in general (for any length of time, regardless of guilt or conviction) or whether it was about specific experiences with jail and/or prison as a result of actually committing a crime.

### *Recall Difficulty*

Several questions asked for details such as how many, how long, or what age. These types of questions were more difficult for those with extensive experience in the criminal justice system. It was simply too difficult to have accurate recollections. These questions were also more difficult for respondents whose experience involved a single event that occurred long in the past and which respondents had put out of their mind. The more detail the question asked for, the more inaccurate responses tended to be. This is demonstrated in the question-by-question section.

### *White Collar Crime*

This sample included only one respondent whose crime can be classified as white collar. However, this case shows that the questions may be geared more toward street crime (and domestic violence) and not fit well with white collar experiences. For example, in his assessment the respondent was never arrested and never served time in jail. Instead, he was indicted, convicted, and served time in prison. He answered the questions in the spirit in which he assumed they were intended, but during probing explained that his answers were not exactly correct. For instance, he answered 'yes' to being arrested (see question 1 and question 9b), but explained that technically he never was arrested, that is, put in handcuffs and taken to the police station for processing. Rather, he received a call from his lawyer

informing him that he had been indicted. He then went to trial, was convicted, and served time in prison. This case suggests it is worth more study with those who commit white collar crime to understand how the questions perform among this group. This case suggests that white-collar crime experiences with the criminal justice system are substantively different from 'street crime' or domestic violence. It is important to understand the question-response process among respondents with white-collar crime experiences. As such, further study of this phenomenon is warranted.

#### Question-by-question analysis

1. Have you ever been arrested?

Yes

No

Respondents had no difficulty with comprehension in round 1 so the question remained unchanged between rounds. Respondents had a variety of experiences with being arrested, from spending overnight (or a few hours) in holding cells to extensive time in prison, and the question did capture these different experiences. When describing the arrest experience itself, respondents consistently thought of engagement with the police, and many specifically mentioned the process of being handcuffed and taken to a police station. When asked about the arrest experience, the following are examples of respondents' descriptions:

*When I hear arrested, I automatically think silver jewelry [handcuffs], and hard iron because you have to sleep on metal.*

*Being arrested is being arrested. When your hands go behind your back and there is handcuffs on you, that's restraint.*

*They put the handcuffs on you and put you in the back of the police car and stick you in a cell.*

Only one instance of response error occurred for this question. One respondent answered 'no' when she had, in fact, been arrested and spent two weeks in jail. Even though she definitively answered 'no' to this question (i.e., there was no hesitation or question on her part), the interviewer proceeded to ask question 3 (ever spent the night in jail), to which the respondent answered 'yes'. When asked why she answered 'no' to ever being arrested, the respondent explained that it was a long time ago and only one time. It seemed she simply did not report it because it was an isolated experience. She said, "Because I had to think about it myself. I'm 54 now, so that's a long time ago." The interviewer asked how old she was at the time. "Like when I was 20 years of age...I guess because that little two-week time's not nothing. I mean, probably not to me. It was something, but the way I felt, I couldn't wait to get out of there. And I haven't been back since."

Finally, because respondents associated 'arrest' with police engagement and handcuffs, this question may perform differently among those who commit white collar crimes. One respondent in the sample served time in prison for a white-collar crime. According to his account, he was never arrested and never spent time in jail – only prison. He answered 'yes' to this question, but admitted that it did not exactly fit his experience. In commenting on this question he said, "It's a fine distinction, but where you used the word 'arrested', I would use 'arrested or indicted'." The interviewer asked why. "Because an arrest occurs when a police officer places you under arrest and an arrest occurs. When a grand jury indicts you, I don't know if you want to make that distinction, but I certainly would." When asked why

he answered 'yes' to this question, he explained, "Because you didn't have any other question. That was the only term you had. So in the general population people don't make that distinction. I just translated it. I know what you were getting at. But someone may not. Technically, I could say 'no', but I knew what you were getting at."

2. How many times have you been arrested for a crime? \_\_\_\_\_ number of times

**Round 2 version:**

About how many times have you been arrested?

1-5 times

6-10 times

More than 10 times

The original question presented recall difficulty for respondents who had been arrested many times. As one respondent said, "It's hard to remember the exact number of times. But I know it was more than five times." Another answered 12 but said, "It might have been more than 12, I'm giving an estimate." To decrease the amount of cognitive burden associated with specific recall, ranges were offered as response options in round 2. This strategy proved helpful for those with many arrests, as it was easier to choose 'more than 10' than it was to come up with an exact number. For example, one respondent explained, "I can remember the majority. But dates and times, no. But I know the general timeframe and the general reason." Another respondent who answered 'more than 10 times' said, "It's been numerous times. I have an extensive sheet. But it's been over so many years that it's kinda hard to pinpoint an exact number, you know?" One respondent first heard the question and said, "Oh, my God...[respondent then hears the response categories]...more [than 10]." While providing a specific number would have been difficult for her, she was able to easily choose among the response options.

The response option ranges also improved accuracy among respondents with less extensive arrest histories. Respondents who had been arrested more than once but less than 10 times also had trouble arriving at specific numbers. The category options allowed for imperfect memory. When respondents' initial recollections were incorrect, they were close enough that the category range they chose was accurate. For example, a couple respondents who chose the '1-5 times' category remembered a different number of times during the probing process. One respondent first thought it was one time, but then remembered it was two. The other first remembered three times but then remembered it was five.

The phrase 'for a crime' at the end of the sentence added to confusion in round 1. It led some respondents to think only of convictions (or of actually being guilty) of the crime they were charged with. For example, one respondent who had been arrested twice answered zero to this question. When asked to explain why he said, "Because the only way it can be a crime is that you did it. They can charge you all they want. How many times have they charged you and found you guilty of that charge should be the question." Another person expressed the same idea. He said, "Hold up. How many times have I been arrested? Yeah, because all of them I wasn't charged. All of them wasn't that I was wrong. Some of them were mistaken identity, something of that nature. All of them wasn't like something that I've done." To address some of this confusion, the phrase 'for a crime' was deleted from the question in round 2. But at least one respondent was still unsure whether to include experiences for which he was arrested for something he did not do. He said, "I wasn't guilty of that. The other ones I will own...If I didn't know it [a computer] was stolen...I had it, yes. If you say I took the computer, then no. As I recollect, that shouldn't count."

The previous example highlights the fact that experiences with the criminal justice system were often complicated and respondents were not always sure what experiences to include in their answers as a result. This confusion persisted in both rounds of testing. One common experience that caused judgment difficulties was breach of probation. Multiple respondents had been arrested several times, but not for different crimes or charges. Rather, they were out of jail on probation, did something to violate the terms of probation, and ended up back in jail. They were unsure if an arrest for serving time on the same crime counted or not. One respondent's first reply was, "Okay...does that include re-arresting?" Another respondent had a difficult time summing up his experience because he was in and out of jail multiple times for the same crime. In explaining his difficulty he said, "See, I got two charges, right? '89 and '92. And between those times there were violations of probation, so that's what leads you to incarceration – as far as not seeing your probation officer or not submitting to clean urine. And so that period went on for about 10 years, no new charges, just two distributions." Finally, another respondent discussed the nuances of being "apprehended". He gave the answer '1-5 times'. When asked what he was including as being arrested he said, "If you're talking about arrest by the police vs. being stepped back by the court – when you're in the courtroom and they say, okay, we're revoking your liberty and you're going to be taken into custody – that to me is not arrest. Because you've already been arrested and are in the court's purview." When the respondent excluded those instances (of being 'stepped back' by the court), he was arrested three times. Ultimately he defined arrest, as most respondents did, as being apprehended by the police and taken into the police station. But he was not 100% certain that this was the intent of the question.

3. Have you ever been incarcerated, in either jail or prison, excluding juvenile detention?

Yes

No

### Round 2 version:

Have you ever spent the night in either jail or prison, excluding juvenile detention?

In round 1 the term 'incarcerated' complicated the intent of this question. Respondents had different interpretations of how they should answer. Some respondents included all types of experiences, both serious and less serious. But other respondents – because of the word 'incarcerated' – thought the question was asking about long-term incarceration for serious crimes. For example, one respondent answered 'no' to the question but had been in jail overnight. When asked why he did not include this experience, he said, "Because it was just a short time. To me it wasn't being incarcerated. It was overnight." However, others with less serious stays did decide to answer yes. One respondent said, "Incarcerated means that you are confined...regardless if it's jail or prison." Another person had the same rationale. She said, "I'm going to say yes because I've spent the night twice in jail." Others also expressed confusion over what to include. One respondent erred on the side of caution and included her experience even though she was not sure it counted. She said:

*I would say 'yes' even though it was just nine days. It wasn't like it was a big conviction, right? Just that I was arrested...I feel like I was incarcerated. I was in jail. But it's not like it was a big conviction where I went to...where I was away, like I got shipped away or something, you know, to a Federal prison or something.*

The word incarcerated was dropped from the question in round 2. This improved comprehension as respondents were thinking of both short-term experiences in jail and longer-term experiences in prison,

and had no difficulty answering or need for clarification. Only one possible source of confusion arose over the clause, 'excluding juvenile detention'. One respondent was thinking of his experience as a juvenile. However, even though he was 16 years old at the time, he was charged as an adult. When asked what he was thinking when he answered he said, "Well, juvenile, I was thinking when I was 15...16. You said juvenile and that's the first thing that came to my mind." However, in discussing further he said, "they didn't consider me a juvenile" and that he was "locked up with adults" and charged as an adult.

4. How many times? \_\_\_\_\_ number of times

**Round 2 version:**

About how many times have you spent the night in jail or prison?

1-5 times

6-10 times

More than 10 times

In round 1 many respondents could not give an accurate answer to this question, either because they could not remember or because they did not know what to include. Respondents with extensive experience in the criminal justice system had complicated stories that were hard to sum up in a simple way. Some were not sure whether to include overnight experiences that did not result in conviction. For example, one respondent excluded times she spent overnight. When asked why she said, "Because, well, it [the charge] was dropped. It was just overnight."

Others were not sure whether to include serving time for the same conviction at different times – for example, because of violating probation. One respondent answered 'more than five'. He explained, "It was times I was incarcerated because of a continuance of holding me until a trial date...it was some I was sent like six months. It was some I done like a year or more, and then the last one when I was in 4-to-12."

The question was modified for round 2. The revision was to ease recall and judgment difficulty over what to include by offering response option ranges. However, this question was still unclear and difficult for respondents in round 2. Some respondent openly did not understand the intent. One person asked, "Overall the times that I've been incarcerated? You want to know the number of days that I kinda think?" Another said, "Nights in jail? Can you repeat the question?"

Similar to round 1, some respondents were unsure whether the intent of the question was to capture time served for an actual conviction verses spending time in jail after an arrest that did *not* lead to conviction. One respondent said:

*May I ask a question? When you say 'times', there was both the arrest, therefore, the subsequent holding while being arrested. And then there was the jailing, which for [state] amounts to state prison. In other words, the amount of time I was held, do you want it by each individual incident? Because there were three incidents where it was just being held overnight or until arraignment. But then there was sentencing and being incarcerated. And there were two sentences and two periods of incarceration.*

In other words, some respondents made a distinction between the holding cell during arrest and the prison sentence following a conviction.

Finally, a great deal of comprehension difficulty was associated with the phrase ‘how many times have you spent the night’. Many respondents understood this to be asking them to count up the total number of nights they spent incarcerated. For example, one respondent said, “Over 100 times in the course of those years...wait...mention that again?” The interviewer repeated the question. “Okay, well, it’s more than 100 because if I was in there for four years, four times 365 days.” Other respondents also attempted to do the math adding up the number of nights they spent in jail:

*The three months, that’s 90 days right there. The 12 days, that’s 102...so I would say 105.*

*That can be when you get pulled over and stopped and taken to the station. You go for your bond hearing the next day. So that’s considered a night in jail if you get out the next day. So I’ve had probably 50 of those – jail. And then prison, you spend the night in prison, it’s going to be more than a night. So that would be [thinks] 75 total. But that’s not including the 10 years or eight years or five years.*

During probing one respondent changed his understanding of the question and pointed out the possibility of different interpretations. He said, “I thought you said how many nights did you spend in jail or prison...how many separate nights have you spent in jail or prison is probably the better question.”

5. What is the longest amount of time you spent in jail or prison? \_\_\_\_\_(days/weeks/years)

**Round 2 version:**

What is the longest amount of time you have spent in jail or prison at one time for the same offense or charge?

In round 1 it was unclear to many respondents what this question was asking. There were two different interpretations. Some thought it was asking the longest amount *at one time*, while others thought it was asking for time spent *altogether*. One respondent said, “Total number of months, you mean all together?” Another person also asked, “One time or in total?” The interviewer repeated the question. “So I guess they’re talking about the total. Maybe 16 years.”

Additionally, this was a difficult question for respondents with extensive experience in the criminal justice system. Some respondents served time at multiple facilities for the same offense. They were unsure whether to include time at each facility or whether it all counted as one episode. In other words, it was not clear if the intent of the question was to ask about the facility or the crime (even if it involved being transferred to different facilities for serving the same sentence).

In round 2 the question was modified to improve clarity of intent. The phrase ‘at one time for the same offense or charge’ was added. However, respondents were still unclear about this question. For example, one respondent answered ‘one night’ but said, “That was for one charge...you said something about more than one charge.” The interviewer repeated the question. “These were different charges. I never went to jail for the same thing...” Another respondent who was confused by the new phrase said, “Sixteen months. ‘Same’ kind of throws me off a little bit. When you say ‘same charge’ it’s like, I mean, I did 16 months. I have four different charges, so it’s not like I went to jail and did time for the same charge.” Another respondent was also confused by this, thinking that the question was asking about being a repeat offender. She answered, “None. You said for the same offense. It wasn’t for the same



offense...the first one and the second one. They were two different types of arrest. Two different things.” Another person with the same confusion said, “You confused me there...[interviewer repeated the question]...For the same, no. I’ve never been in jail for the same thing, it’s always been something different.” The interviewer asked what she thought the question was asking. “You want to know am I a repeat offender for the same thing over and over again.” Similarly, another respondent said, “The way the question is asked is how many times have you been to jail for the same charge.”

Other respondents answered on the basis of the length of their longest sentence, not on the actual time served. For example, one respondent answered one year. He was sentenced to a year and one day but served only three months. He said, “When you ask for a year and a day, you get released earlier...three months.” The interviewer asked if he spent a year and one day in jail and he said, “No. I’m a model prisoner and I do what I need to do...no incident reports.” Another respondent answered one month. However, his sentence was to serve one month of weekends in jail, which amounted to about eight nights. When asked to explain his answer he said, “I was thinking about the time for [failing to pay] child support and the weekends for it. It might not have been a month, but...for one month it was for weekends.” Another respondent answered 60 days. When asked about his answer he said, “That was the sentence, but the actual time served was 50 days per sentencing.”

One respondent understood the question to be asking about serving time in jail after a conviction. She answered ‘never’ even though she had spent a night in jail. She did not include it because “I was thinking about the arrest and then I’m thinking about the outcome, which it was thrown out.”

Finally, several respondents who had spent only overnight in jail were not sure whether to answer in terms of hours or days. One respondents said, “Well, it wasn’t 24 hours so, you know. I got arrested at night and in the morning they let me out. So, you know, we’re talking about eight, nine hours. Something like that.”

6. What is the total number of months you have spent incarcerated? \_\_\_\_\_ number of months

**Round 2 version:**

In your entire life, about how long have you spent in jail or prison?  
\_\_\_\_\_ number of days/weeks/months/ years

Some respondents did not see a different between this question and the previous (question 5), save for the unit in which to answer. Therefore, those who gave an answer in years for the previous question simply did the math to convert that answer into months for this question. One person said, “I think that question is redundant, to be honest with you. When you ask someone ‘how many days’, why do you go back and ask them ‘how many months’? I mean, you got to do the math.”

Another difficulty arose for respondents who had served less than 1 month. They were unsure whether to count that as zero or one.

Finally, some understood the question to be asking about time spent altogether, but recall was difficult for respondents who had extensive experience over the course of their life. Here are two examples of respondent reaction and demonstration of the cognitive burden associated with this question:

*That's hard to calculate, for me, since I've been re-arrested so many times, for failure to appear...to add up that, it's hard to give a definite answer. But the longest in one stint was 9 months...so I would have to re-calculate, and that's going back a lot of years.*

*You talking the whole ball figure with all the charges? Wow, wow. Wow, that's crazy. I don't know, maybe 4-5 years, I don't know. I can't recall...Really that is crazy. Who wants to keep that stuff stored in their head? For real.*

The question was revised to ease recall burden in round 2 by allowing respondents to answer in any metric (days, weeks, months, or years). However, respondents with extensive experience still had to provide estimates. Only one respondent knew exactly how much time he spent in prison over the course of his life. He answered 32 days and said, "It's exact. I know exactly how much time I've done. It's not something I have to think about...I know it for a fact. Fourteen days, 15 days, and three days."

However, all other respondents had a more difficult time and generally had to provide estimates. Recalling all the times and then doing the math was daunting for some. One person said, "So I have to add all the days I've been in jail for the six to 10 times and give you a figure?" Another respondent struggled with recall. His initial answer was six months. But during probing he said, "I would say about six months...no, maybe not that long, maybe four months...maybe not that long, maybe three months...three months and a week." Another respondent gave an initial answer of 'less than 30 days'. It took some thought to get to a more precise answer. Thinking aloud during probing he said, "Okay, five deewees [DWIs], so that's at least five nights, right? Two trespassings, so that's seven. The seven days [for not paying child support], so we're at 13. Umm...a day in [state], that's 14. Two nights in [city] – I punched out an ADA [person with a disability] – so I'd say, yeah, we're at, like 15."

Most respondents with an extensive history with the criminal justice system admitted that their answer was an estimate. One respondent said, "Basically I took all of my jail and prison time together. And gave a round number. It could've been more, it could've been less. But it's an estimate because I've been doing this since '84 and I've been in-and-out, in-and-out." Another respondent answered 30 years and explained, "I know 10 years here, eight years here, five years here, four years, three years, two years, 18 months. And then being locked up overseas."

7. What age were you when you were first in jail or prison? \_\_\_\_\_ age in years

**Round 2 version:**

About what age were you when you first spent the night in jail or prison? \_\_\_\_\_ age in years

Respondents understood the question, but recall was difficult and answers were not accurate. Respondents sometimes had to estimate. One respondent struggled. She said, "Maybe 45...wait, let me calculate. 44-45. 44 because that would be 17 years ago. I think so. I'm 60 now, about to turn 61, so...something like 44, 45."

This question also carried a judgment burden as some respondents were not sure what counted as their first time. Some did not include overnight stays (particularly if the charges were dropped the next day), but others did. For example, one respondent first answered 35, but during probing changed it to 32. She initially did not include the first time in jail because the charges were dropped. When the interviewer asked her about that first time she said, "Oh, no! The first time, you're right. Well the first time, the domestic...okay, uh, I think about, I was like 32, 33."

In round 2 the question was modified to ease recall burden by adding the word 'about'. Recall was easy for some respondents because it was a memorable event. One respondent said, "I remember it like it was yesterday. Nobody forgets their first time. It was an experience." Another said, "I'll never forget this. I was in college and I came home and...I went and stole a battery for my car and I got caught." A third respondent said, "My first experience, that was a major change in my life."

However, even with the word 'about' added to the question, recall was still difficult for some. During probing one respondent said, "I do not know the exact age, but it was late 20's, early 30's." When asked how he decided on his answer of 32 he replied, "I don't know. You wanted a specific number, so I just gave you one." Another said, "I'm not sure, but I know I wasn't in my 20's." Another respondent answered, "Like 26, I don't know. I don't really remember the age."

The phrase 'first spent the night' was also added to address confusion on whether to include short, overnight stays. Respondents did include both long and short stays in their answers in round 2. For example, one respondent answered 24. He said, "That was the first time I was arrested. I had a judge that was real nice. He let me go [after spending the night in a holding cell]...he just said make sure you come back [for the hearing]."

8. When was the last time you were in jail or prison? \_\_\_\_\_(day/month/year)

#### **Round 2 version:**

About what age were you the very last time you were released from jail or prison?

In round 1 the unit of response was unclear to respondents. Some gave their age, others gave a date. One respondent remembered the full date because it was Memorial Day. However, most could not remember the day, month, *and* year. Many gave a month and year, but a few could only give the year. Additionally, for those who gave a date (opposed to age), most were thinking of their release date, which was often not difficult to recall. One respondent said, "I believe they let me out, it was December of 1996." Another said, "I came home July 7, 2005 was the last time." But at least one respondent thought of the date he was arrested. His memory was prompted by his ability to make bail. He said he remembered it was July 2016 because "I knew I could get money to get released."

Recall was more difficult if the last time in jail or prison was a long time ago. One person said, "Just the year and I'm guessing on that. Because it's been a while." Another respondent gave a day, month, and year but during probing admitted, "I don't remember the day or month, I just winged it. It was around that time." Recall was also difficult for respondents with many experiences. One respondent said, "When you get arrested so many times, they all run together."

In round 2 the response option was changed to age as the response unit and the question specified being 'released from jail or prison'. When answering, all respondents referred to their last known release date (not to an arrest date). Some had no trouble with recall because it was a significant life event or because it was associated with another life event. For example, one respondent said, "I remember that because my wife was pregnant...I know how old I was when my kid was born." Another said, "I spent my birthday in jail. My 45<sup>th</sup> birthday."

However, despite the response option change from date to age, recall burden was still an issue for some. One respondent said, "The last time I went to jail...I had forgot about it at first...it was so recently

it seems like I would remember.” Some respondents remembered their age and some remembered the year. Those who remembered the year had an extra cognitive step to mentally calculate their age. This calculation was easier for some than others. For example, one respondent said, “2011. I’m now 55. 48.” But for another respondent this math wasn’t as easy. He answered 57, but during probing said, “In fact, I’m sorry. I take that back. Because I’m 59 now, I was 58. I turned 58 in 2016...’cause I’ll be 60. Yeah, I was 58 when I got out.” Another said, “What’s my age?...It was 2004...I was probably...[counting]...I was like 38.”

9a. Have you ever...been stopped by the police?

Yes

No

### **Round 2 version:**

Have you ever been stopped by the police, not including traffic stops?

In round 1 the phrase ‘stopped by police’ prompted some respondents to think only of traffic stops. One respondent said, “When I was stopped by the police, they said they pulled me over for doing the ‘California Stop’ [rolling through a stop sign].” Another thought of traffic stops and included a time when she was the passenger – so she technically was not the one pulled over. She said, “I was riding in somebody’s car and the police stopped. That may have happened twice. Riding in someone’s car.”

But others included of any kind of detainment, particularly with experiences in their neighborhoods where the police would randomly stop them to ask questions. One respondent said, “It’s when you’re walking, minding your business, and the police stop you for no reason at all just to see where you’re going. And they want to check you to see if you have warrants.” This was a common theme. Another respondent said, “I was just minding my own business and they come up and say, ‘Hey, man, what are you doing here?’ Just randomly. Randomly stopped.”

In round 2 the clause ‘not including traffic stops’ was added for clarification. However, respondents continued to include traffic stops, particularly if the outcome of the stop resulted in an arrest. One respondent answered yes even though he was thinking of a traffic stop where he was pulled over for speeding. He said he included this example because he had stolen merchandise in the car. He said, “He got me for speeding, but then I had stuff in the car and got arrested.” Another respondent described a similar experience but was confused whether to answer the question yes or no. He initially answered ‘yes’, but upon thinking about it wanted to change his answer. He said, “You know, I actually need to answer ‘no’ to that. Because all of the stops were for...like one was a broken taillight, one was for bad tags, I think one was for making a U-turn. Every time I was stopped by traffic cops.” He initially answered ‘yes’ because when he was stopped for traffic violations he had a warrant out for his arrest, and was indeed arrested as a result of the traffic stop. It was unclear to the respondent what the answer should be.

Some respondents heard the last clause and thought the question was asking specifically about traffic stops regardless of the outcome. One respondent answered ‘yes’ and during probing said, “Yeah, I was stopped...but I wasn’t cited. I was stopped for taillights and little things like that. And stopped for speeding, but no tickets.” Another respondent was thinking of DUI check-points. Upon hearing the question he said, “Ever stopped by police, except for traffic? Well, they’ve had DUI things, where they pull people over. I don’t know if that’s, you know, they have checkpoints and they also have...they think you’re pulled over for drinking and driving, but that’s all. I haven’t been pulled over for anything else.”

He answered 'yes' to this question. Another respondent answered 'yes', also thinking of checkpoints more generally. He had a warrant out for his arrest, but was pulled over randomly. He said, "they have that thing on the car that once a tag goes by, it scans the tags and your name and face pops up. So when they scanned my tag, my face popped up and it said 'wanted, approach with caution, may be armed and dangerous'."

In addition to the last clause failing to add clarity, the term being 'stopped by the police' continued to be vague and interpreted different ways. Interpretations centered on two factors. The first was whether the respondent was caught by chance by the police. The second interpretation was based on whether or not the police were specifically called to an incident related to the respondent.

An example of one respondent who answered on the basis of being caught by chance resulted in possible response error. He answered 'no' even though he had been arrested. When asked his rationale he said, "Because if nobody else saw anything going on, or if they didn't call the police, the police wasn't around. So we wouldn't have gotten stopped or anything like that." In other words, the police would not have been there to catch him had they not been called. For this respondent, the question was asking about being 'stopped' (and caught) by chance. Since the police were deliberately called on him, he did not include this experience in his answer. Another respondent also interpreted the question as asking whether she was ever stopped by the police by chance. She answered 'yes' and explained, "I was stealing, going out of the store. Shoplifting." Security happened to catch her in the act.

However, other respondents did think the question included experiences where the police were deliberately called. One respondent answered 'yes' and explained, "In all cases for me, it was the police having been called in response to an incident. And specifically they were seeking me in response to the report of an incident." Another respondent also thought about the police being called to an incident. However, he answered 'no' even though he was part of a fight that precipitated the police being called. When asked why he answered 'no' he said, "I was thinking, was I directly responsible for the police officer approaching me. And that's why I said no. I've been with other people who I was spoken to because of their actions." His friend started the fight and the respondent jumped in to assist his friend. He further clarified, "Based on the way the question is posed, no. I wasn't the subject, but I was part of something else and I was spoken to [and arrested]." Even though he was part of the melee, he did not judge himself to be responsible for it and answered 'no'.

In relation to this point and similar to round 1, other respondents were thinking of being 'in the wrong place at the wrong time' and being stopped by police. They did not necessarily answer on the basis of being stopped for having done something illegal. Sometimes this resulted in an arrest (for example if the respondent had a warrant) and sometimes it did not. One respondent answered 'yes' and explained, "I have been stopped. But I had a warrant out for me because I had to go back to court...And I was in a place I shouldn't be." Some respondents mentioned getting stopped primarily due to being known or recognized by police who frequent a certain area where a respondent spends time. One respondent explained, "Well, I was in an area that has prostitution. And at the time – I mean, at the time that WAS my profession – but I wasn't. It's just a general area, so they kinda stopped me. I guess they recognized me. And after that it was harassment – where you going? Check your name and all that." Another respondent had similar experiences. He said, "A lot of officers know who you are for being out there for so many years. Some days officer maybe had a bad day...they always got trespassing as a backup if they want to get you off the street." Another respondent answered 'yes' and was also thinking about her neighborhood. She said, "Sometimes they might just stop you, just because they see

you in the neighborhood.” Another respondent with a similar interpretation answered ‘no’. When asked what he was thinking he said, “Well, walking the street, as a random search. That has never happened to me.” However, he also included traffic stops, saying, “Or getting pulled over for a random traffic stop.” Neighborhood stops were a common theme. However, one respondent answered ‘no’ and did *not* include neighborhood surveillance because it wasn’t specific to her – in other words, the police were not in pursuit of her, *per se*, even though she ended up being arrested. She explained:

*They stopped everybody. Back in the day they used to be up on roofs and stuff with cameras. I wasn't thinking that...They had their eye only on everyone that was in that circle [courtyard]. I didn't know they were undercover...it was like a raid thing.*

9b. Have you ever...been arrested by the police and booked?

Yes

No

### **Round 2 version:**

Have you ever been arrested by the police and processed at the police station?

In round 1 respondents had various understandings of the term ‘booked’, but fingerprinting was a common part of defining the process. Many respondents saw ‘arrested’ and ‘booked’ as two different processes, but that usually occur together. An arrest occurs ‘on the street’ while being booked occurs at the precinct or station house. For example, one respondent said, “Arrested is when they came to my house, they put the handcuffs on me – that’s been arrested. When they take you down to cell blocks, or whatever, they will book you in. They’ll do fingerprinting, that’s booking. And they put you in a cell.” It was sometimes difficult for respondents to separate the two because they most often occurred together. One respondent explained:

*Yeah, arrested is different from being booked. See, you can be arrested for jaywalking, [urinating], or drinking. And you can go to the precinct and they can process you and you can get something which is called a citation. That means a commissioner will go ahead and get you a court date and you promise to go to court and they release you from central cell block. And being booked is...it's all the same because you get fingerprinted and all that...see when you get booked, booked really means that you're going to court the next day..”.*

Similarly, another respondent said, “You’re going to get arrested and then you’re going to get booked.” When asked if these were different things, another respondent said, “No. When you’re arrested, you ARE booked.”

In round 2 the term ‘booked’ was replaced by ‘processed at the police station’ to add clarity to the concept. Respondents understood what was being asked and had no trouble answering yes or no. As with round 1, respondents talked about fingerprinting as a main aspect of being ‘processed’ at a police station. Respondent descriptions of arrest and processing were strikingly similar. The following are examples of how respondents described the process.

*Okay, processed, you are given a mug shot, you are fingerprinted, and you're made to go through classification.*

*Well, every time you get arrested for anything, they take you to Central Cell Block for processing and fingerprinting – call it booking.*

*They take everything out of your pockets and stuff and put it in a bag. And then they fingerprint you, take your picture, process you, ask you all kinds of health questions – are you allergic to food and all that.*

*When they book you, and take your fingerprints, and take your ID, and have you do paperwork...and read you your rights.*

*Being handcuffed and driven in the police car down to processing. Going through fingerprinting and then going to see the magistrate to get your charges.*

The only respondent for whom this question was awkward was a respondent who had committed a white-collar crime. Although the language of ‘arrest and processed at the police station’ did not exactly fit his experience, he intuited the intent of the question and answered ‘yes’. When asked how he was processed at the police station he said he wasn’t. “I was indicted. It’s a different process that takes place.” The interviewer clarified that he was never arrested. “No. An arrest occurs with a police officer. Someone has to see you do something to be arrested...If you don’t have visual evidence, you’re going to have to indict me...So it probably doesn’t mean much except for white collar crime where people will make that distinction.” The interviewer asked his rationale for answering ‘yes’ to this question and he said, “Because I was trying to get on your side of what you were thinking. I really should’ve said ‘no’ to that [question].”

9c. Have you ever...spent the night in jail?

This was straightforward for respondents to understand and all answered ‘yes’. There was no response error. Respondents included all experiences, from overnight holding cells to 16 years in federal prison. Many respondents were thinking of jail (versus prison) because all arrests begin with jail. One respondent specifically stated it was “the beginning process”. Another respondent noted, “Every time I spent the night in jail.”

Because there were no difficulties or response error in round 1, the question remained unchanged in round 2. Most respondents continued to include short and long stays and had no difficulties, but two problems did arise in round 2. First, one respondent answered ‘no’ because the time she spent in a ‘holding cell’ did not result in a conviction. She said, “It was processing and was before getting to jail.” She did not consider the processing area to be “jail”. However, she DID answer ‘yes’ to question 3 (have you ever spent the night in either jail or prison); it was unclear why.

Second, a respondent who committed a white-collar crime answered ‘yes’ to this question although the only time he spent incarcerated was in prison, never jail. When asked why he answered yes he said, “I should’ve said ‘no’ to that. I was trying to accommodate your terminology.” He was answering this as a question of incarceration in general – which made question 9g (have you ever spent longer than overnight in a prison) redundant for him.

In general, it was unclear whether this question was meant to capture incarceration in general or jail in particular. In that sense, question 3 (ever spent the night in either jail or prison) was more

straightforward and did not require respondents to decide whether the distinction between jail and prison mattered.

9d. Have you ever...spent more than two weeks in jail?

Yes

No

**Round 2 version:**

Have you ever spent more than two weeks in jail at one time?

Respondents had no difficulty understanding this question in round 1. However, one respondent did wonder if this meant all together or at one time. To clarify the question, 'at one time' was added in round 2. No respondents in round 2 had difficulty or questions about answering for time served during a single incarceration. However, one respondent reported incorrectly. His sentence (for failure to pay child support) was to serve jail time every weekend for one month. He thought of this as one month and answered 'yes' to the question. However, his actual time spent in jail was no more than two nights at a time.

9e. Have you ever...been charged with a crime, other than a traffic offense?

Yes

No

**Round 2 version:**

Have you ever been charged with, but not convicted of, a crime, other than a traffic offense?

Many respondents understood the difference between being charged opposed to being convicted in round 1, and most correctly answered 'yes' to the question. For example, when asked what being 'charged' meant, one respondent said, "The police pull me over and let's say I have drugs in my pocket and they charge me with whatever is in my possession. That's what they're charging me with. But I may not get convicted of that." Another example is a respondent who explained, "You can be accused and they have the right because they believe you did that. And you have the right to prove that you didn't do that. It's like innocent until proven guilty...Charged is they have to have evidence to charge you for the crime, and then that's when you get arrested."

However, not all respondents were clear about the difference between the terms charged and convicted, and there was one instance of false negative response error as a result. One respondent realized during probing that she gave the wrong answer of 'no'. She initially thought being charged meant being convicted and it took her some time during probing to work out the difference. She said, "Okay, because you get arrested, then they go and book you. And then when you go to court and they throw it out...you have been convicted, then do you say you've been charged?" She thought a little longer and said, "I have to maybe peddle back on that. Conviction is on your record. You can be charged with a crime, but they have to find out, are you guilty or not guilty? And with mine, I was not guilty of the charge. So I guess I was charged with domestic violence, but I wasn't convicted of it."

To help clarify the question in round 2, the phrase 'charged, but not convicted' was added to the question. Some respondents understood the difference between being charged and convicted and answered accordingly. For example, one respondent answered 'yes' and explained, "[Charged] means they accuse you of having something to do with a crime. [Convicted] means that they have proved that



you have done a crime...See they couldn't prove anything on me and they had nothing on me – but they had my gun.” Another respondent who also answered ‘yes’ said, “They weren’t able to prove that I stole something. Or the person that made the complaint didn’t show up in court. So they dropped the charges. That happened a couple of times to me.” Conversely, another respondent answered ‘no’ and said, “I have not been arrested for anything I have not done.”

However, more respondents were more confused by this version than the original in round 1. Confusion remained over the inability to understand the difference between charged and convicted. For example, one respondent answered ‘yes’ but asked, “How can they charge me and don’t convict me? I don’t think they can, but yeah, they did it. So I guess they could.” Another respondent answered ‘yes’ but was not certain of her answer. When asked whether she was charged versus convicted she said:

*I don't know too much about the difference [between charged and convicted] because I don't know too much about the law. So to me, conviction I'm thinking that you're going to be doing a lot of time...I really didn't know. I could have [served time], but I didn't because the dude already copped to the plea. That's why they gave me probation.*

She was unsure whether probation was given to her in lieu of conviction.

Other respondents generally understood the difference between charged and convicted, but were confused when charges against them ended up being dropped. They were not sure how to report it or whether it still counted as having a charge against them. Some answered yes, some no. Most times they expressed uncertainty with their answer. One respondent answered ‘yes’ and said, “They charged me with three things and, like I said, it was expunged. But I don’t know if that would be considered conviction. Because I had to do community service.” Another respondent ultimately answered ‘yes’ but said, “I’m not sure how to answer that one, because the charges were ‘no papers’, so...I don’t know.” Another respondent who had charges dropped also decided to answer ‘yes’. He said, “I’m going to say ‘yes’, but my record got expunged.” On the other hand, some respondents reasoned that the charge did not count if it was dropped from the record. A respondent who decided to answer ‘no’ had trouble arriving at his answer. He said, “No. Wait – say that again?” The interviewer repeated the question. “No. I was charged [for having drug paraphernalia] but not convicted. They just threw it out. It was petty...they didn’t have a trial or anything. That didn’t go on your record.” Several other respondents decided to answer ‘no’ when the charges against them were eventually dropped. One respondent said, “It’s a ‘no’ because I was exonerated of both the trespassing charges. No fine, no court costs, nothing.”

Finally, the clause to exclude traffic offenses added more concepts for respondents to consider when answering, opening up potential for confusion. For example, one respondent was uncertain about what counted as a traffic offense. She answered ‘no’ to the question, but did so in an uncertain way. She said, “No, well...no.” When asked about her hesitation she said, “Well, I guess DWI was a traffic offense.” Another respondent answered ‘no’ even though it was a traffic stop that precipitated the event. He said, “It was a traffic stop and a warrant was out for me. The traffic offense was not why I was detained, the traffic offense is what stopped me. And after running my credentials was a warrant and that was for larceny and THAT was why I was arrested and went to jail.”

9f. Have you ever...been convicted of a crime, other than a traffic offense?

Yes

No

**Round 2 version:**

Have you ever been charged and convicted of a crime, other than a traffic offense?

In round 1 some respondents had difficulty with the concept of conviction. Some were not sure of the definition, and others were not sure if they ever actually were convicted because their experience was rather complicated in their mind. Several people had trouble and had to think it through before providing an answer. For example, one respondent first said, "I don't know...No. I wasn't really convicted of it [disorderly conduct]" because she was "acquitted by the judge". Two resulted in response error. One person was initially thinking of an incident where she was only charged and not convicted (false negative error). She was charged with assault with a deadly weapon but said that it was expunged from her record. However, in another incident she was charged AND convicted of welfare fraud and served three years in prison. She was not thinking of that incident when she answered the question. The other respondent confused the concept of charged with convicted. He served two weeks in jail after an arrest, but the police ended up dropping the charges, so he was never convicted.

To help clarify the concept in round 2, the question was modified to include charged AND convicted of a crime. This question wording did not eliminate interpretation difficulties because respondents still had to make judgments about what types of behaviors to include. Some respondents were uncertain what to include as a crime, particularly if it was associated with a traffic stop. For example, one respondent said, "You said traffic offense, right? Traffic offense was the DWI." He answered 'no' to the question and during probing explained, "When you say any crime besides a traffic offense...I was thinking murder, rape, burglary...But a DWI is a traffic offense." Another respondent answer 'no' because he did not judge his charges to be 'crimes'. These included delinquent child support, fighting, loitering, and DWI's, all of which he described as misdemeanors. He said, "I consider a crime, felony. I don't consider misdemeanors a true crime. I guess I think misdemeanors are annoying. A source of income for local governments. I've got no felonies. I've never been in prison. I've spent my time in local jails across the country."

Other respondents were uncertain about whether it was still considered 'conviction' if it was dropped from their record. Three decided not to include those instances, and answered 'no' to the question. One respondent said, "They charged me with three things, and like I said, it was expunged. But I don't know if that would be considered convicted. Because I had to do community service." A second respondent had similar confusion and said, "Actually, I didn't even go to the judge. I opted to do the community service." A third respondent never served time but was given probation for drug-related charges. She said, "I didn't really know [whether she was convicted]. I could have, but I didn't because the dude [an acquaintance who was with her at the time] already copped to the plea. That's why they gave me probation."

9g. Have you ever...spent time in a state or federal prison?

Yes

No

**Round 2 version:**

Have you ever spent longer than overnight in a prison?

In round 1, respondents had various definitions of state or federal prison. One respondent explained, "The state is like when you're in your hometown and you're in just a regular prison. Federal prison is when they ship you out and I would say it's more secure in jail facilities. And it's harder – maybe to see

your family or receive funds.” Another said, “State prison is you’re basically moving around. Federal prison is when you get to one that may be your final destination to do five or more years. State normally does five and under.”

However, other respondents were not sure of the difference between state and federal prison. One respondent said, “I always associated federal with, oh, that’s hard time. You’re going away. I don’t know if that’s right or wrong, but that’s my perspective. I don’t even know what a state prison is. I don’t know the classification.” Others thought the question was referring only to longer stays for more serious crimes in general and did not make much distinction between state and federal prison. For example, one respondent answered ‘no’ because his experience had been with only “holding cells”. When asked what this question was asking he said, “That when you’ve been convicted and sentenced to a crime – which one you go to [state or federal] depends on the crime that you’ve done.”

To simplify the question in round 2, only the word ‘prison’ was used. Most respondents differentiated between jail and prison, with prison being the more severe form of incarceration. The criteria for being more severe varied by respondent, but generally involved conviction (versus only being charged, which can occur for jail time) for a more serious crime (e.g., murder) for which an individual serves a long sentence. Many respondents thought the intent of the question was to capture prison experiences. The following are examples of how respondents thought about prison in relation to jail.

*To me, you have to get convicted. And then you are sentenced for your time. For jail they just have to put you in a cell to hold you until you can see the judge.*

*When you say prison, that’s when you’ve been convicted. Jail, to me, is like you’re visiting...When you get to prison, you’re going to be there for a while. You can’t get out. Jail you can bond out.*

*Prison is very extreme and jail is typically just for certain periods of time.*

*Jail is overnight, or five days, or 10 days. Jail or prison, I see it as kind of two different things. If you are murdering, you are not going to jail, you’re going to prison...It’s somewhere where they put dangerous criminals. Otis the drunk is going to jail.*

*Jail is mostly for people who get two years and under. It’s mainly more local. Prison is hardened criminals, two years and a day or more.*

However, some respondents were uncertain of question intent – whether it was aiming to capture *any* time incarcerated or only long periods of time specifically in prison. For example, one respondent who spent overnight in jail before a judge dropped her charges answered ‘no’. She answered this question on the basis that it was asking about longer sentences for serious crimes, but admitted she was not completely certain. She said, “Maybe jail is for less severe crimes or prison for more severe crimes. In prison you have to be sent away. They could very well mean the same thing [but] prison sounds more hard core, like you’re serving a longer sentence.”

The term ‘overnight’ added to confusion in round 2. For example, one respondent commented, “It’s unheard of. You can go to jail for one night, not prison. Prison is for 12 months and a day or more.” Another asked, “Doesn’t everyone stay at least a night in prison? If you’ve been to prison, you’ve been there much longer than one night.” One respondent incorrectly answered ‘yes’ due to this confusion.

She spent two weeks in jail, but answered on the basis of length of time incarcerated and did not differentiate whether it was jail or prison. When she first heard the question she said, “Yeah. Because it was two weeks.” When asked during probing whether this was jail versus prison she said, “I really don’t know the difference of it. It’s a difference, I just don’t know the difference.” So her answer was based on the fact that she had spent more than one night incarcerated, irrespective of the label ‘jail’ or ‘prison’. Another respondent expressed his belief in providing a false positive to this question. “If someone asks me, ‘have you ever been to prison’, my answer is no...I was sent to a Central Detention Facility...which is not prison.” When asked why he then answered ‘yes’ to the question he said, “Because in society versus the criminology aspect of jail versus prison, a jail would be where you’re held on a short-term basis, awaiting sentencing or trial...[his experience] was more than an overnigher. It was *after* being sentenced.”

10. Has your spouse ever been incarcerated (in either jail or prison, excluding juvenile detention)?

Yes

No

This was only tested on four respondents (who had spouses) in round 1. All answered easily and without response error so the question remained unchanged in round 2. Only two respondents had spouses in round 2. The question was not thoroughly evaluated, but respondents who received it generally had no difficulty answering. They knew whether their spouse had ever been incarcerated and were able to briefly recount some of the stories. For example, one respondent said, “Since I’ve known him...once he was locked up for a week and then he came home. The last time he was locked up he did a good three and a half years.” Another described an experience where they were both arrested together for domestic violence.

11. How many times? \_\_\_\_\_ times

**Round 2 version:**

About how many times has your spouse been in jail or prison?

1-5 times

6-10 times

More than 10 times

In round 1 respondents gave estimates, not what they felt were precise numbers. One respondent answered five times but admitted, “it could be more.” Respondents were also unclear about spouse history prior to their current relationship. One respondent said, “Since I’ve known him...once he was locked up for a week, and then he came home.”

The question was modified in round 2 to offer response categories rather than ask respondents for a precise number. This seemed to be an easier cognitive task and respondents were confident in the ranges that they chose. When asked about the accuracy of their answer, most felt confident in the range. One respondent answered ‘more than 10 times’ and said, “I was there. She’s been in and out of jail the whole time we were married. When we started dating she was on a trial for a case.” Another respondent answered 1-5 times and was asked how he knew. He used to take her to see her probation officer and “I used to take her to her urines” [a condition of probation]. Another respondent, when asked if she would know how many times her husband had been in jail said, “I would know. Twenty-one years, why shouldn’t I?”

12. What is the total number of months your spouse has spent incarcerated? \_\_\_\_\_ months

**Round 2 version:**

About how long is the total amount of time your spouse has spent in jail or prison?  
\_\_\_\_\_ days/weeks/months/years

This was also an estimate in round 1, some because of recall difficulty. One person had a difficult time with the math because she remembered the number in years, not months, and had to do the conversion to answer.

In round 2, respondents were able to provide an answer in any metric they chose, days, weeks, months, or years. The word 'about' was also added to ease the burden of providing an exact number. This seemed to help, as respondents were usually able to provide only estimates. One respondent said, "I'll say about two and half years." When asked how he arrived at that number he said, "After she set the house on fire, she did 18 months. They she was released to the halfway house. Then she was sent back to prison [and is currently serving]." Another also gave an estimate, but the estimate changed the more she thought about it. She gave three different answers (15, 9 and 11). She first answered the question, "On-and-off for 15 years." But during probing she said, "Nine years. He did five years first, then he did four years. That's nine. Then he did two. Eleven."

13. Is anyone who would otherwise be living in your household currently incarcerated?

Yes

No

Respondents generally understood the question in round 1 so it remained unchanged in round 2. The only issue to arise was for respondents living in non-traditional places that may not be considered typical households. For example, one person lived in a shelter and did not consider that a household. Another respondent said, "I live in a transitional house. Even though people have got records, I don't know who they are. I don't know their history." Another respondent said "I live in a house with myself and four other people, one being my girlfriend. I can't speak [for the other people in the house]." In these situations, respondents answered 'no' to the question and only pointed out their living arrangement as something different from a typical household.

14. What is your relationship to them? \_\_\_\_\_ relation

This question could not be evaluated due to lack of data.

15. Has any member of your immediate or extended family spent time in jail or prison, not including when they were in juvenile detention?

Yes

No

This question did not change between rounds. Respondents did not have a difficult time answering and seemed to give correct answers in round 1. However, in round 2 it became apparent that some respondents were not including all family members. Sometimes they simply focused on the word 'immediate' and did not hear 'extended'. Other times, they were not sure who to include as extended family. For example, one respondent first answered "not that I know of". During probing, however, he said, that "I know my cousin spent time in jail. And juvenile. So my cousin would fall under extended

family, right?" When asked why he did not include his cousin at first he said, "Because I didn't know if extended was that or the extension was of my wife's side." Another respondent also answered 'no' at first but then during probing said, "In my immediate family, no. My cousins, they've been in jail and prison. But not my mom, my brothers, stuff like that. But my cousins, yeah." Another respondent also answered 'no' first but then change his mind during probing. He said, "My extended family, yes. It didn't register at first. I was thinking of my immediate family – my mother or his mother....That I know of my aunt. I'm sure others, but I don't know."

Finally, a couple respondents admitted they were unsure. One decided to answer 'no'. He said, "Not that I know of – no, I'd say." Another first said, "I don't really know." Thinking of his brother, for example, he said, "I can't say for certain if he was ever arrested. I can't even remember."