

SUPPORTING STATEMENT

A. Justification

1. Necessity of Information Collection

On September 4, 2003, the Prison Rape Elimination Act of 2003 (PREA or the Act) was signed by President George W. Bush (Public Law 108-79). The Act requires the Bureau of Justice Statistics (BJS) to “carry out, for each calendar year, a comprehensive statistical review and analysis of the incidence and effects of prison rape.” The law was passed in part to overcome a shortage of available research on the incidence and prevalence of sexual violence within correctional facilities.

To implement the Act, BJS developed the National Prison Rape Statistics Program (NPRSP), with five separate data collection efforts, which includes five separate data collection efforts: the Survey on Sexual Violence (SSV), the National Inmate Survey (NIS), the National Survey of Youth in Custody (NSYC), the Former Prisoner Survey (FPS), and a medical surveillance project to track medical and behavioral indicators of sexual violence. Each of these collections is independent and, while not directly comparable, will provide various measures of the prevalence and characteristics of sexual assault in correctional facilities. The SSV series (OMB No. 1121-0292) reports what incidents of sexual violence are reported to and substantiated by correctional authorities. The NIS (OMB No. 1121-0311) is currently gathering allegations of sexual assault self-reported from inmates in correctional facilities. The FPS (OMB No. 1121-0316) will measure allegations of sexual assault experienced during their last incarceration, as reported by former inmates on active supervision. The NSYC (pending OMB approval) will collect allegations of sexual assault self-reported by youth in juvenile facilities.

BJS requests approval to extend the currently approved SSV collection for three years. This collection provides system-level and facility-level estimates of sexual assault for the 12-month period ending December 31 of each year. This collection fulfills part of the Act, and allows BJS to report new statistics to Congress each June 30, as required by the Act.

The Survey on Sexual Violence (SSV), part of the NPRSP, is an administrative records collection from all Federal and State prison systems, all State-operated juvenile systems, all military facilities, and a 10% representative sample of local jails, locally or privately-operated juvenile facilities, facilities in Indian country, and facilities operated by the Bureau of Immigration and Customs Enforcement (ICE). The SSV is the only data collection based on administrative records on the incidence and prevalence of sexual violence. The survey received OMB approval in 2004, and was modified to expand the collection in 2005. This information request is to extend the approval of the collection for three more years.

The SSV is used to collect information on inmate-on-inmate (or youth-on-youth) and staff-on-inmate (or staff-on-youth) sexual violence including data on completed and attempted incidents, an alleged and confirmed incidents in the aggregate. There is also a

form (SSV-IA, SSV-IJ) to be completed for each substantiated incident of sexual violence to gather information on the characteristics of the victims and perpetrators, where the incidents took place, and any sanctions that were imposed on perpetrators. Aggregate counts of these data elements will be collected at the system level for prisons and State-operated juvenile facilities and at the facility level for jails and local and private juvenile facilities.

The U.S. Census Bureau serves as the data collection agent for the SSV on behalf of BJS.

2. Needs and Uses of the Data

The SSV provides data on the incidence and prevalence of sexual violence within correctional facilities as well as how those facilities record and respond to such incidents. The purposes of the Act include: “to develop and implement national standards for the detection, prevention, reduction, and punishment of prison rape,” and “increase the available data and information on the incidence of prison rape, consequently improving the management and administration of correctional facilities.”

Data from the SSV have been published for each of the last three collection years, the most recent of which is *Sexual Violence Reported by Correctional Facilities, 2006*. Based on the 2006 data collection, there were an estimated 6,528 allegations of sexual violence in correctional facilities holding State and Federal prisoners, local jail inmates, and persons under the jurisdiction of Indian county, military, and ICE facilities, a rate of 2.91 allegations per 1,000 inmates. The allegations were split about evenly between allegations of inmate-on-inmate and staff-on-inmate sexual violence. About a sixth of allegations filed in 2006 were substantiated. Force or threat of force was used in 58% of substantiated incidents and victims reported an injury in 20% of cases.

Data collected in the SSV and other NPRSP collections will be used by the U.S. Department of Justice, Congress, State legislatures, researchers, and special interest groups. The data will serve as the basis for historical trend analyses. Since previous research efforts in sexual violence within correctional facilities have been limited to a single facility or only a few facilities and have not included a national data collection, the SSV serves as an invaluable resource to understand what incidents are reported to correctional administrators and the result of incident investigations.

Users of these data include the following:

U.S. Congress – Each year Congress will receive a report on data collected under the SSV. The report will provide a listing of systems and facilities with the highest and lowest prevalence of sexual violence.

U.S. Department of Justice – The Review Panel on Prison Rape will solicit testimony from correctional administrators in facilities with the highest and lowest rates of sexual violence. These facilities will be determined by data collected in the SSV.

National Prison Rape Reduction Commission – “...shall carry out a comprehensive legal and factual study of the penological, physical, mental, social, and economic impacts of prison rape in the United States...” Duties to be performed by the Commission include: a review of the procedures for reporting incidents of prison rape, an assessment of correctional staff training, and an evaluation of the safety and security of correctional facilities.

National Institute of Corrections (NIC) – is responsible for establishing a “national clearinghouse for the provision of information and assistance to Federal, State, and local authorities responsible for the prevention, investigation, and punishment of instances of prison rape.” NIC will also develop periodic training and educational programs for “... authorities responsible for the prevention, investigation, and punishment of instances of prison rape.”

National Institute of Justice and the Bureau of Justice Assistance – are responsible for studying characteristics of victims and perpetrators and identifying trends in sexual violence within correctional settings. Data from the SSV will inform research proposals for grant funding opportunities provided in the Act.

Civil Rights Division, U.S. Department of Justice – will use data from the SSV to understand the magnitude and scope of sexual violence within correctional facilities as they relate to the violation of inmate civil rights.

Federal, State, and local corrections and juvenile officials and administrators – will use data from the SSV to assess and compare trends in inmate-on-inmate, youth-on-youth, staff-on-inmate, and staff-on-youth sexual violence. The SSV will provide a common set of concepts, standard definitions, and counting rules that administrators will be able to use as a baseline for comparison.

3. Efforts to Minimize Burden

The SSV data collection includes definitions and counting rules for types of sexual violence. BJS has learned that these definitions have not only brought jurisdictions closer together in their data comparability, but they have also been very useful in aiding jurisdiction in shaping their own data collections for the incidence and prevalence of sexual violence within their facilities.

The Census Bureau and BJS will provide the respondents with technical assistance as needed to minimize respondents= efforts in data collection and to improve data quality control.

The SSV collection paper form is sent by mail, but respondents also receive an ID and password for which to complete the survey(s) on the Web. In 2006, about a third of data from correctional authorities was submitted by the Web.

4. Efforts to Identify Duplication

The Survey on Sexual Violence (SSV) is not duplicated by any other program or government agency. No other program employs uniform criteria and comparable definitions when collecting sexual violence data from Federal and State prisons, local jails, and juvenile residential placement facilities. BJS is the only government agency that collects national data on the incidence and prevalence of sexual violence within correctional settings.

5. Use of Available Information

The SSV is the only national level data collection from administrative records regarding the number of completed and attempted sexual assaults within correctional facilities, characteristics of the victims and perpetrators, circumstances surrounding the incidents, and how incidents are reported, tracked, and adjudicated. It is also the only collection that gathers data on the characteristics and circumstances of substantiated incidents of sexual assault in correctional facilities at a national level.

The information collected under the SSV is not available from any other source.

6. Methods to Minimize the Burden on Small Business

Not applicable. The SSV data collection does not involve small businesses or other small entities. The respondents are the Federal Bureau of Prisons, State Departments of Correction, local jail jurisdictions, and public and private juvenile residential placement facilities.

7. Consequences of Less Frequent Data Collection

The Bureau of Justice Statistics is required by law to collect these data annually. A less frequent collection would therefore not meet the requirements of the Act.

8. Reasons for Inconsistencies with 5 CFR 1320.6

Not applicable. The SSV collection is consistent with the guidelines in 5 CFR 1320.6. The 60 and 30-day notices for public commentary will be published in the Federal Register.

9. Consultation Outside the Agency

In developing the SSV, BJS consulted with Federal, State, and local corrections and juvenile administrators as well as representatives from their professional organizations, prisoner rights advocates, former inmates, specialists in prison rape research, practitioners, and survey methodologists. These individuals provided valuable input

regarding the development of the SSV questionnaire, definitions and counting rules, anticipated data analysis, and data presentation.

In designing the questionnaires, BJS convened two panels of experts: 1) a panel for adult prisons and jails in December 2003, and 2) a panel of for juvenile corrections in February 2004. Experts were given an opportunity to review draft questionnaires and to provide input into the methodologies under development. The following experts were consulted:

Jeffrey Beard
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George Camp
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Research Director
Colorado Division of Criminal Justice
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James Gondles
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Martin Horn
Commissioner

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Richard Stalder
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Louisiana Department of Public Safety and Corrections

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Director
Department of Corrections
40 Howard Avenue
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Art Wallenstein
Director
Montgomery County Dept. of Correction and Rehabilitation
51 Monroe Street
Rockville, MD 20850

10. Payments of Gifts to Respondents

There is no payment or gift to staff in State or Federal systems, local jail jurisdictions, private facilities or juvenile facilities for responding to the survey.

11. Assurance of Confidentiality

BJS and the Census Bureau hold in confidence any information that could identify an individual according to Title 42, United States Code, Sections 3735 and 3789g. The Act requires that facility-level and system-level rates be reported to Congress and used by the Prison Rape Review Panel.

12. Justification for Sensitive Questions

The Act requires BJS to collect highly sensitive information. However, the collection is based on administrative records, and most counts are aggregated to the facility-level or system-level. The substantiated incident form, which requires details of a specific incident, will not collect names of inmates, and characteristics of inmates and incidents are described in the aggregate and not by facility.

13. Estimate of Hour Burden

BJS anticipates 761 respondents for report year 2007. There are 6 versions of the SSV, one each for the Federal Bureau of Prisons (SSV-1), State Prison Systems (SSV-2), Local Jail Jurisdictions (SSV-3), Multi-Jurisdictional or Private Adult Correctional Facilities (SSV-4), State Juvenile Systems (SSV-5), and Locally or Privately-Operated Juvenile Facilities (SSV-6). The estimated average amount of time to complete the SSV-1, SSV-2, SSV-3, SSV-4, SSV-5, and SSV-6 is 1 hour. The SSV-IA and SSV-IJ forms are each estimated to take about 15 minutes to complete, with one form for each

substantiated incident of sexual violence. Estimates include supplying the information requested and documenting or explaining the data. The estimated total burden for respondents is 1,150 hours.

It may be necessary to consult with the respondents while processing the data to obtain further information regarding the definitions, completeness and accuracy of their report.

For report year 2007, the total respondent burden is expected to be 1,150 person-hours. The anticipated responses are depicted below:

Reporting task	Total annual responses	Estimated burden per response	Total estimated respondent burden (person hours)
SSV-1	1	1	1
SSV-2	50	1	50
SSV-3	404	1	404
SSV-4	30	1	30
SSV-5	50	1	50
SSV-6	377	1	377
SSV-IA	(700)	.25	175
SSV-IJ	(250)	.25	63
Total	912 respondents (plus 950 IA/IJforms)		1,150

14. Estimate of Cost Burden to Respondents

The annual cost to the respondents based on an average of 90 minutes needed to complete the questionnaire. At an average of \$25 per hour, the total annual cost for 912 respondents is \$34,656 (\$38 per participating respondent).

15. Cost for the Federal Government

The estimated costs for collection, processing, and dissemination of the SSV data in 2006 is \$577,826 including:

\$521,000 -- Census Bureau
 \$307,000 for data collection and program management
 \$188,000 for questionnaire development, computer programming, data editing, furnishing tables
 \$26,000 in miscellaneous charges -- costs related to postage, telephone calls, printing, etc.

\$56,826 -- Bureau of Justice Statistics
 30% GS-13, Statistician (\$23,819)
 10% GS-15, Supervisory Statistician (\$11,036)

Benefits (@ 20% - \$6,971)
Other administrative costs (\$15,000)

BJs estimates a 4% increase in costs each year, per agreements in the 2007 and 2008 Inter-Agency Agreements (IAAs) with the U.S. Census Bureau. BJS costs are expected to remain stable, subject to Cost of Living Adjustments (COLA).

16. Adjustments in Reported Respondent Burden

The current respondent burden is listed as 1,522 hours. However, due to a change in sample the burden has been decreased to 1,150 hours, a decrease of 372 hours.

17. Project and Publication Schedule

BJs plans to send the 2007 collection year forms to respondents beginning in March, 2008. Respondents will be asked to return the forms by May 31, 2008.

The Bureau of Justice Statistics (BJS) is responsible for the entire project and contracts the U.S. Census Bureau to collect the data. BJS will analyze the raw and tabular data prior to publication in any form. The Act requires BJS to submit an annual report (due June 30) to Congress regarding data collection activities related to the study of prison rape.

18. Request to Not Display Expiration Date

The OMB Control Number and the expiration date will be published on the SSV forms.

19. Exceptions to the Certification

Not applicable. The Collection is consistent with the guidelines in 5 CFR 1320.9.