

SUPPORTING STATEMENT

A. Justification

1. Necessity of Information

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 Act further instructs BJS to collect survey data, “...the Bureau shall...use surveys and other statistical studies of current and former inmates...” The law was passed in part to overcome a shortage of available research on the incidence and prevalence of sexual violence within correctional facilities. A data collection program of this complexity and scale on such sensitive subject matter is unprecedented.

Due to the sensitive nature of violent victimization and potential reluctance to report sexual assault, BJS will collect multiple measures on the incidence and prevalence of sexual assault. To implement the Act, BJS has developed the National Prison Rape Statistics Program (NPRS), 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 will measure allegations of sexual assault experienced during their last incarceration, as reported by former inmates on active supervision. The proposed NSYC collection will collect allegations of sexual assault self-reported by youth in juvenile facilities.

This submission is to seek clearance for the NSYC, a self-report survey administered to adjudicated youth held in juvenile correctional facilities. BJS has a cooperative agreement with Westat to collect data for the NSYC. An overview of the collection is provided in Attachment 1, including a draft informational brochure and a listing of state and facility responsibilities. Due to the sensitive nature of the topic, BJS has undertaken several precautions to maximize confidentiality. First, respondents could receive one of three different questionnaires: the National Survey of Youth in Custody (NSYC) survey for older youth (15 years or older), the NSYC for younger youth (under 15 years of age) or the National Survey of Youth in Custody-Alternate (NSYC-A) survey (Attachment 2).¹ A portion of sampled youth will receive the NSYC-A survey, asking questions about

¹ There are two versions of the NSYC survey. One designed for youth aged 14 or younger and another for youth aged 15 or older. Both versions are contained in Attachment 1.

drug and alcohol use and treatment prior to their admission. This effort offers a layer of protection to the respondents, as correctional staff, other youth, and field staff will not know which questionnaire the respondent received. The remainder of respondents will receive the NSYC survey, asking questions on sexual violence. The age of the youth will determine whether the respondent receives the younger version or older version of the survey. The two versions have been designed to be age-appropriate in terminology used.

Second, all respondents will spend about the same amount of time completing the survey, regardless of which questionnaire they are assigned. Those respondents experiencing no victimization may complete the sexual violence questionnaire more quickly. The remainder of the survey will be padded out using the drug and alcohol questions. In the field test, all respondents took about 30 minutes to complete the survey, whether they were victims or not, and whether they received the sexual assault questionnaire, the drug and alcohol questionnaire, or some combination thereof.

Based on the field test, most respondents who receive the sexual assault survey will report no victimization and go on to receive some drug and alcohol questions to pad out the survey. Of those finishing the sexual assault questionnaire, 80 percent entered the drug module, 66 percent entered the alcohol use module, and 39 percent entered the substance abuse treatment module. As a result, a significant sample of youth will report on drug and alcohol use prior to admission to a juvenile correctional facilities. The data will be assessed and adjusted for selection bias in order to utilize all responses. BJS will coordinate with the Office of National Drug Control Policy to disseminate findings from this portion of the study.

Third, the NSYC and NSYC-A surveys will be administered using Audio Computer-Assisted Self-Interview (ACASI) methodology which involves youth responding to a computer questionnaire using a touch-screen, following audio instructions delivered via headphones.² The ACASI instrument will randomly assign each respondent to either the NSYC survey or the NSYC-A survey.

A significant portion of the survey population will include youth who have not reached the age at which they can self-consent (i.e., minors). In some cases, a state may provide consent *in loco parentis* for the minors in their custody. However, in most cases, permission by a parent/guardian will be required. In all cases, youth invited to participate in the survey will have the choice to refuse or comply with the request.³ The parent/guardian contact letter and consent form (Attachment 3) and the youth assent script (Attachment 4), to be administered by an interviewer, are attached.

² Past research has indicated Audio Computer-Assisted Self-Interview methods are useful in sensitive topic research areas (see Tourangeau & Smith, 1996; Des Jarles, et al., 1999; Gribble et al., 1999).

³ Throughout this document, we refer to youth “assent” to include both assent by minors and consent by youth who have reached the age of majority.

A portion of youth who may be unable to come to the interviewing room, for medical or disciplinary reasons. In order to include these youth in the survey, a representative will visit these youth in their living area and administer the survey at that location.

BJS requests approval for all data collection activities related to the NSYC. In the first year, it is anticipated that these activities will span a 12-month period from December 2007 through December 2008. BJS requests authorization for 3 years of data collection. As required by PREA, BJS will produce system-level and facility-level estimates of sexual assault within sampled juvenile correctional facilities.

The package submitted to Westat's Institutional Review Boards (IRB) for national implementation and the IRB approval are attached (Attachment 5). The planned procedures for the national study closely mirror those that the IRB approved for the pilot test. Furthermore, the pilot test has provided evidence that the procedures can be successfully implemented. Some results from the pilot test are included, such as rates of parent consent and youth assent, and the need for counseling or reporting of abuse and neglect (Attachment 6). Note that any additional IRB approvals required from sampled jurisdictions will be obtained prior to conducting any data collection under this clearance.

Data collection for the NSYC project is authorized under the Prison Rape Elimination Act of 2003 (Public Law 108-79). The Omnibus Crime Control and Safe Street Act of 1968 as amended (42 U.S.C. 3732), authorizes BJS to collect and disseminate statistical data on all aspects of criminal justice, including criminal victimization, occurring in the United States. Finally, all data will be collected under Title 42, United States Code, Sections 3735 and 3789g. These documents are in Attachment 7.

2. Needs and Uses

This clearance request is to obtain approval to conduct national data collection required under the Act. Data collection is necessary to measure the incidence and prevalence of sexual assault within juvenile correctional institutions, at a facility-level, as mandated by the Act.

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."

Facility rankings and summary findings from the first year of full survey implementation will be included in a report to Congress in June 2009. Any and all identifying information for youth will be stripped from the data and will remain strictly confidential.

Users of these data include the following:

U.S. Congress – Each year Congress will receive a report on data collected under the Act. The report will include information about the prevalence of sexual assault at each facility in the sample.

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 as identified in the June 30 annual reports.

National Prison Rape Elimination Commission – “...shall carry out a comprehensive legal and factual study of the penalological, 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. Findings from the NSYC activities disclosed in the Congressional reports may be used to inform research proposals for grant funding opportunities provided in the Act.

Civil Rights Division, U.S. Department of Justice – may use data from the Congressional reports to understand the magnitude and scope of sexual violence within correctional facilities as they relate to the violation of youths’ civil rights.

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

3. Use of Technology

Using the latest technology in survey methodology, Westat interviewers will conduct interviews using laptop computers. Being mindful of the sensitivity of the sexual assault questions, youth will enter the answers themselves using audio computer-assisted self-interview (ACASI) technology. This will allow them to hear each question being read over headphones as it appears on the screen. In addition, the ACASI methodology allows even respondents with low literacy levels to participate because the audio

component provides clear instruction for how to enter answers and is highlighted as the question and corresponding answers are read. The survey will be offered in both English and Spanish.

ACASI technology improves the flow of the interview through built-in skip patterns and filled-in reference periods that tailor specific questions to individual youth. This allows for the instrument to be tailored by gender and age of respondent, and length of stay (“during the past 12 months” or “since you got here”). This technology also produces more accurate data through built in edit checks.

Furthermore, research with ACASI suggests respondents provide more honest reporting of sensitive behaviors when the questions are administered via ACASI as opposed to traditional interviewer-assisted methods.

Finally, use of the computer allows for random assignment of youth to one of two questionnaires, as described earlier, assigns the age appropriate survey (younger or older), and pads out response time with additional questions when necessary to assure a consistent amount time spent taking the survey across respondents. The average time to complete the survey, regardless of which version, was about 30 minutes in the field test.

For youth who cannot leave their cell or living area, the interviewer will attempt to complete the survey where the youth is located.

4. Efforts to Identify Duplication

This research does not duplicate any other questionnaire design work being done by BJS or any other Federal agencies. BJS will be the only government agency that collects National data on the incidence and prevalence of sexual violence within juvenile correctional settings.

5. Impact on Small Businesses

This research does not involve small businesses or other small entities. The respondents are youth held in juvenile correctional institutions.

6. Consequences of Less Frequent Collection

Pursuant to the Act, BJS must collect these data annually, contingent on funding.

7. Special Circumstances Influencing Collection

These data will be collected in a manner consistent with the guidelines in 5 CFR 1320.6.

8. Federal Register Publication and Outside Consultation

The research under this clearance 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.

In developing the survey for the NSYC, BJS has consulted with Federal, State, and local corrections administrators as well as representatives from their professional organizations, prisoner rights advocates, child psychologists, specialists in prison rape research, practitioners, and survey methodologists. These individuals have provided valuable input regarding the development of the questionnaires, definitions and counting rules, anticipated data analysis, and data presentation.

In designing the questionnaires and collection procedures, BJS convened three panels of experts along the way. On February 5-6, 2005, experts were gathered to discuss the challenges of collecting sensitive data from incarcerated youth. In March 23-24, 2005, another workshop was convened to share the protocols, the instrument to date, and to solicit feedback. Finally, a rollout workshop of testing results and plans for national implementation took place on August 28, 2007. The following experts have been consulted (the list is not exhaustive):

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9. Payment or Gift to Respondents

No gifts or incentives will be given.

10. Assurance of Confidentiality

BJS and Westat hold in confidence any information that could identify an individual according to Title 42, United States Code, Sections 3735 and 3789g. All respondents as well as correctional facility administrators who participate will be given written assurance that the identity of all participants, victims, and perpetrators will be protected as required under Title 42 (Attachment 7). Rates of sexual violence at the facility level will be published, as required under the Act.

All interviews will be conducted in a private area, and names and other personal identifiers will not be linked to the questionnaire data, such that if someone were to somehow obtain the survey data, they could not associate any data with a particular individual. As required under Title 42 USC, section 3879g, BJS and its data collection agents will take all necessary steps to mask the identity of survey respondents, including suppression of demographic characteristics and other potentially identifying information, especially in situations in which cell sizes are small.

Further, BJS has masked and padded the survey to ensure that no correctional official, youth, or the field representative will know which questionnaire is administered, or make assumptions regarding reporting based on the time taking the survey (See Section 1).

Although it will be impossible for survey data provided through the ACASI system to be linked individual respondents, if a respondent verbally reports any incident (or threat) of abuse or harm, study personnel will abide by state and local mandatory reporting regulations. Youth will be informed of this procedure during the assent process. Youth will also be asked questions to confirm comprehension of this exception to confidentiality (see Attachment X). Provision for such reports is authorized by amendment to the PREA:

Section _____. Prison Rape Elimination Act

Section 4(a) of the Prison Rape Elimination Act, Pub. L. 108-79, is amended as follows:

- (1) in paragraph (5), by inserting ", except as authorized in paragraph (7)" before the period; and
- (2) by adding the following after paragraph (6):
 - (7) Nothing in sections 304 or 812 of title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3735, 3789g) or any other provision of law, including paragraph (5), shall prevent the Bureau (including its agents), in carrying out the review and analysis under paragraph (1), from reporting to the designated public officials such information (and only such information) regarding child abuse or child neglect with respect to which the statutes or regulations of a State (or a political subdivision thereof) require prompt reporting."

BJS and Westat have received the requisite approvals from the appropriate IRBs to ensure that the data collection procedures are in compliance with human subject protection protocols and confidentiality regulations (see Attachment 4 to review the youth assent process and Attachment 5 for IRB materials).

11. Justification for Sensitive Questions

The Act requires BJS to collect highly sensitive information. See Section 4 of Public Law 108-79, attachment 7. According to extant research, it is beneficial to begin broadly and narrow down when asking questions about sensitive topics. BJS has employed this approach by first asking a series of screening questions (these vary in the older and younger versions of the instrument) to identify youth who have had any type of sexual contact. These questions ask about sexual contact with other youth or staff in general, without specifying use of force or pressure. Youth who respond affirmatively to any of these screening questions are asked followup questions to determine the nature of the contact.

This serves two main purposes. First, a global binomial (yes/no) question leaves the instrument with limited ability to define what is meant by sex and sexual assault and leaves interpretation largely in the hands of the respondent. Further, if the response is negative, the interview is essentially over. Second, the literature in this area notes that sexual assault, particularly in correctional facilities, occurs on a continuum of coercion from no coercion at all to serious physical violence. The lesser kinds of coercion may be easily overlooked as consensual unless the general (sexual contact) to specific (coerced, pressured, or forced sexual activity) approach is utilized.

BJS has implemented several safeguards to protect youth against undue trauma or distress. All legal guardians of the youth first have to approve the youth's participation in the survey. If the guardian feels the study is inappropriate and/or otherwise might upset the youth, they can deny permission for the youth to participate. If this occurs, the study will not ask the youth to participate. All respondents are told in the assent process that they will receive a questionnaire about either their sexual experiences in the facility

or their drug and alcohol use before arrival. They will also be told that they can request counseling services within or outside the facility should they experience distress or trauma as a result of participating in the survey. This information will be conveyed both during the assent process and at the conclusion of the ACASI interview. Interviewers are trained to monitor for youth who become noticeably upset or agitated while taking the interview. When this occurs, they will ask the youth if they would like to talk to a facility or outside counselor.

12. Estimate of Hour Burden

Based on our experience with the NYSC field test, we estimate that staff from each facility will spend the following time aiding in the implementation of the survey: providing facility logistics (1.0 X 256 facilities = 256 hours), providing, updating, and verifying the roster (5.0 X 256 = 1,280 hours), providing administrative information for each sampled youth (1.0 X 256 = 256), mailing information packets to parents, in cases where Westat is not permitted to do so directly (7.0 X 77 = 539 hours) and escorting youth to and from interviews (.25 X 17,846 youth = 4,462 hours). The total estimated staff burden is 6,793 hours.

In addition, parents will be contacted by Westat staff in jurisdictions without *in loco parentis* in order to obtain permission for the youth to participate in the survey. We estimate an average of 65.0 hours for 51 states for this activity (3,328 hours).

Expected burden placed on youth for this data collection averages 30 minutes per respondent. While 17,846 will be asked to participate, we estimate that 16,594 will consent (16,594 X .50 = 8,297 hours).

In sum, we request a total of 18,418 hours (staff 6,793 + parents 3,328 + youth 8,297). The total respondent burden, including both facility staff and youth, is summarized in Table 1.

Table 1. Annual Respondent Burden for the NSYC Interviews

Burden source	Description of service/burden	Burden hours per response	Number of responses	Total burden hours
Facility	Provide facility characteristics and logistics	1.0	256	256
	Provide initial roster	1.0	256	256
	Update roster	2.0	256	512
	Verify roster	2.0	256	512
	Mail parental consent forms	7.0	77	539
	Escort youth to/from interview	.25	17,846	4,462
	Administrative record information for sample youth	1.0	256	256
Parents	Telephone/mail contact by Westat	65.0	51	3,328
TOTAL				18,418

13. Estimate of Respondent Cost Burden

There are no costs to youth other than those associated with the time used to complete the survey.

The total respondent cost to the facilities includes the staff time needed to prepare and verify the youth roster, escort potential respondents to an interview location, and provide administrative records data. At an estimate of \$20 per hour for 6,793 hours, the estimated respondent cost burden for the entire national survey is \$135,860.

14. Estimated Cost to Federal Government

The total estimated cost to the government for survey development and implementation is \$6,818,602.

Table 2. Westat NSYC Cost Estimate

Survey and instrument planning, development, management, processing, equipment, and supplies	\$ 1,324,597
Training, travel, data collection	\$ 5,403,405
Total costs	\$ 6,728,002

Bureau of Justice Statistics costs – \$90,600
50% of GS-13, Statistician (\$39,969)
25% of GS-15, Supervisory Statistician (\$27,591)
10% GS-13, Statistician (\$7,940)
Benefits (@ 20 % - \$15,100)

15. Reasons for Change in Burden

There are no changes in burden as the NSYC is a new data collection.

16. Plans for Publication

Juvenile facilities will be ranked by prevalence of sexual assault reported by youth in a report to be issued within a reasonable time following completion of the data collection. In addition, there will be a report detailing the characteristics of victims and perpetrators and circumstances of sexual victimization.

17. Expiration Date Approval

The OMB Control Number and the expiration date will be published on all forms given to respondents.

18. Exceptions to the Certification Statement

There are no exceptions to the Certification Statement. The Collection is consistent with the guidelines in 5 CFR 1320.9.