

SUPPORTING STATEMENT
Survey of Sexual Victimization, 2013 – 2015

A. Justification

1. Necessity of Information Collection

On September 4, 2003, the Prison Rape Elimination Act of 2003 (PREA or the Act) was signed into law (Public Law 108-79, see Attachment 1). 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 data on the incidence and prevalence of sexual victimization within correctional facilities.

To implement the Act, BJS developed the National Prison Rape Statistics Program (NPRSP), which includes four separate data collection efforts: the Survey of Sexual Victimization (SSV, formerly the Survey of Sexual Violence), the National Inmate Survey (NIS), the National Survey of Youth in Custody (NSYC), and the National Former Prisoner Survey (NFPS). Each of these collections is independent and, while not directly comparable, provides various measures of the prevalence and characteristics of sexual victimization in correctional facilities. The NIS (OMB No. 1121-0311), with data collection in 2007, 2008-09, and 2011-12, gathers allegations of sexual victimization self-reported from inmates in correctional facilities. The NSYC (OMB No. 1121-0319), with data collection in 2008-09, and 2012, collects allegations of sexual victimization self-reported by youth in juvenile facilities. The NFPS (OMB No. 1121-0316), a one-time collection in 2008-09, measured allegations of sexual victimization experienced during their last incarceration as reported by former inmates on active supervision.

The SSV series (OMB No. 1121-0292), in its 10th year, collects data concerning alleged incidents of sexual victimization reported to and substantiated by correctional authorities. Part of the NPRSP, SSV is an administrative records collection from all federal and state prison systems, all state operated juvenile systems, all military facilities, and a representative sample of local jails, locally and privately operated juvenile facilities, facilities in Indian country, and facilities operated by Immigration and Customs Enforcement (ICE). The SSV is the only data collection based on administrative records that reports on the incidence and prevalence of sexual victimization. This collection provides system-level and facility-level estimates of sexual victimization for the 12-month period ending December 31 of each year. It fulfills part of the Act and allows BJS to report statistics to Congress each year, as required by the Act.

The survey received OMB approval in 2004, 2007, and 2011. BJS requests approval to extend the currently approved SSV collection for 3 years (June 1, 2014 – May 31, 2017).

The SSV summary forms (i.e., SSV-1, SSV-2, SSV-3, SSV-4, SSV-5, SSV-6, see Attachment 2) are used to collect aggregate count information on allegations of inmate-on-inmate (or youth-on-youth) and staff-on-inmate (or staff-on-youth) sexual

victimization, including how many were substantiated, unsubstantiated, unfounded and pending investigation.

An incident form (i.e., SSV-IA, SSV-IJ, see Attachment 2) is completed for each substantiated incident of sexual victimization, and gathers incident-level information, including the characteristics of the victim(s) and perpetrator(s), where the incident took place, and any sanctions that were imposed on perpetrator(s). Aggregate counts of these data elements are 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 victimization 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.*” The SSV helps BJS meet both goals, as it is the only national administrative data collection on sexual victimization in custody that uses standardized definitions. BJS publishes national-level and facility-level data based on the SSV results.

Data from the SSV have been published for the 2004-2011 collection years, and survey operations are nearly complete for the 2012 collection year (we are awaiting final survey weights and documentation). The most recent reports are entitled *Sexual Victimization Reported by Adult Correctional Authorities, 2009–2011* (NCJ 243904, January 2014) and *Survey of Sexual Violence in Adult Correctional Facilities, 2009 –11 - Statistical Tables* (NCJ 244227, January 2014).

Based on the 2011 SSV collection, there were an estimated 8,763 allegations of sexual victimization in correctional facilities holding state and federal prisoners, local jail inmates, and persons under the jurisdiction of Indian county, military, and ICE facilities. The rate of sexual victimization in these facilities was 3.90 allegations per 1,000 inmates in 2011, up from 2.83 in 2005. The allegations were nearly evenly split between allegations of inmate-on-inmate and staff-on-inmate sexual victimization, with roughly 4,463 incidents of inmate-on-inmate sexual victimization and 4,300 allegations of staff-on-inmate victimization. About 10% of allegations filed in 2011 were substantiated upon investigation (902).

The SSV provides a unique contribution to understanding sexual victimization. Unlike other PREA collections that rely on victim self-reports, the SSV provides detail on incidents that have been substantiated upon investigation. These data provide detail on the circumstances surrounding the victimization, extent and nature of injury, characteristics of perpetrators, sanctions imposed on perpetrators, nature of facility responses, and impact on victims. Such detail is not fully available from victims.

While reported incidents in the annual SSV collections are substantially fewer in number than those alleged by inmates in the NIS and NSYC collections, the SSV provides a basis for comparison with inmate self-reports in the aggregate. Such comparisons reveal similar patterns in victimization, particularly incidents involving other inmates or youth. They also reveal the selective reporting of staff misconduct to correctional administrators (i.e., incidents involving “no coercion” and which appear “voluntary” between male inmates and female staff members are significantly under-reported in the SSV data).

SSV data collections also provide important guidance to correctional authorities – in providing uniform definitions and reporting rules. Since the initial implementation of SSV in 2004, an increasing number of state departments of corrections have developed the capacity to distinguish nonconsensual sexual victimization (the most serious types of incidents involving penetration) from abusive sexual contacts (less serious, but unwanted, contacts involving touching, grabbing, groping, and other non-penetrative sexual contacts). In addition, correctional administrators have increasingly adapted their information systems to track incidents of staff sexual misconduct separately from staff sexual harassment. Compliance with BJS reporting standards has improved over time, and as a result, collection of SSV data elements have become part of the *National Standards to Prevent, Detect, and Respond to Prison Rape*, 28 C.F.R. Part 115. (See Attachment 3, Sec. 115.87 Data Collection.)

Data collected by the SSV and other NPRSP surveys are be used by the U.S. Department of Justice, the Congress, state legislatures, researchers, and special interest groups. As the longest-running NPRSP survey, the SSV data serve as the basis for historical trend analyses. Since research efforts in sexual victimization within correctional facilities prior to the passage of PREA were limited to only a few facilities, the SSV collection has served as an invaluable resource to understand what incidents are reported to correctional administrators and the results of subsequent investigations. With the completion of the NIS and NSYC surveys, the SSV incident-level data provide context to inmate self-reports since it is the only survey that collects information about substantiated incidents of sexual victimization. The NIS and NSYC collect information about allegations only.

Users of these data include the following:

U.S. Congress – The Congress has received multiple reports on data collected under the SSV. Future reports will continue to provide a listing of systems and facilities and the number of allegations and substantiated incidents by type of incident.

U.S. Department of Justice Review Panel on Prison Rape (Panel) – solicits testimony from correctional administrators in facilities with the highest and lowest rates of sexual victimization as determined by data collected in the NIS and NSYC. The SSV provides context to the findings. For example, the NSYC 2012 found that nearly 90% of all youth reporting staff sexual misconduct were males having sexual contact with female. While the NSYC provided information about the staff sexual misconduct and its link to other inappropriate contact with youth, it provided little information about characteristics of the

staff offenders. BJS used SSV data in its testimony to the Panel and was able to characterize female staff offenders as younger and newly hired staff.

National Prison Rape Reduction Commission (NPREC) – which was created under PREA was given a mandate to “... carry out a comprehensive legal and factual study of the penal, physical, mental, social, and economic impacts of prison rape in the United States...” Duties performed by the Commission included 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. The Commission considered SSV and other PREA data in the creation of their draft *Standards for the Prevention, Detection, Response, and Monitoring of Sexual Abuse in Adult Prisons and Jails*, issued in June 2009. While the work of NPREC has been completed, members of the Commission continue to be involved in issues of PREA implementation and rely on the SSV and other PREA data sets to inform their activities.

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.” BJS has presented SSV data at numerous NIC-sponsored conferences, including conferences on staff sexual misconduct, developing risk assessments for sexual victimization, and the victimization of women and girls in prison and jails.

National Institute of Justice (NIJ) – is responsible for studying characteristics of victims and perpetrators and identifying trends in sexual victimization within correctional settings. Data from the SSV informs research proposals for grant funding opportunities provided in the Act.

Bureau of Justice Assistance (BJA) – under a cooperative agreement funds the National PREA Resource Center (PRC). The PRC’s aim is to provide assistance to those responsible for state and local adult prisons and jails, juvenile facilities, community corrections, lockups, tribal organizations, and inmates and their families in their efforts to eliminate sexual abuse in confinement. The PRC serves as a central repository for the best research in the field on trends, prevention, and response strategies, and best practices in corrections. Findings from the SSV are made available through the PRC website to correctional administrators, management, line staff, sheriffs and officers, community corrections personnel, juvenile detention administrators, and staff.

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

Federal, state, local corrections, and juvenile officials and administrators – 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 victimization. The SSV collections are especially

important to administrators because of the common set of concepts, standard definitions, and counting rules that administrators need as a baseline for comparison.

Advocacy groups, including Just Detention International (JDI, formerly known as Stop Prisoner Rape) – have used the SSV results to identify critical deficiencies in the treatment of victims and sanctioning of staff perpetrators.

3. Efforts to Minimize Burden

The SSV data collection includes definitions and counting rules for five types of sexual victimization. To be consistent with the National Standards, *inmate-on-inmate sexual harassment* has been added to the SSV in 2013. 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 jurisdictions in shaping and streamlining their own mandated data collections on the incidence and prevalence of sexual victimization within their facilities.

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

The SSV paper forms are sent by mail, but respondents also receive an ID and password enabling them to complete the survey on the Web. For the 2012 collection, about 633 respondents (47%) submitted their data on the Web. BJS has found that a mixed mode of collection is vital because many juvenile administrators (in particular, small locally or privately operated juvenile facilities infrequently sampled each year in SSV) do not yet utilize the Web. Of the 349 locally or privately operated juvenile facilities in 2012, only 121 facilities (35%) used the Web for data submissions.

4. Efforts to Identify Duplication

The SSV is not duplicated by any other program or government agency. No other program employs uniform criteria and comparable definitions when collecting administrative sexual victimization 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 victimization within correctional settings.

5. Use of Available Information

The SSV is the only national-level administrative collection that gathers the number of alleged, attempted, and completed sexual victimizations within all types of correctional facilities. It is also the only collection that gathers data on the characteristics and circumstances of *substantiated* incidents of sexual victimization in correctional facilities at the national level, including demographic characteristics of victims and perpetrators; time, location, and nature of incidents; and how incidents are reported, tracked, and adjudicated.

The information collected by 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. The respondents are the Federal Bureau of Prisons, state departments of correction, local and private jails, and public and private juvenile residential placement facilities.

7. Consequences of Less Frequent Data Collection

The Bureau of Justice Statistics is required by law (P.L. 108-79, see Attachment 1) to collect data annually. The SSV data collection is the only PREA collection at BJS that meets this annual requirement. 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 2013 SSV, BJS consulted with federal, state, and juvenile administrators as well as civil rights advocacy groups. These individuals provided valuable input regarding the development of the SSV questionnaire, definitions and counting rules, anticipated data analysis, and data presentation.

The following experts were consulted in 2013:

Stefania Maruniak
Program Research Specialist
New York State Department of
Corrections and Community
Supervision
1220 Washington Avenue
Albany, NY 12226
518-408-0295

Anthony (AJ) Iwaszko
PREA Research Analyst
Federal Bureau of Prisons
320 First Street, NW Suite 654
Washington, DC 20534
202-305-4108

Jennifer Sprafke
PREA Director
Vermont Department of Corrections
103 South Main Street
Waterbury, VT 05671
802-734-1823

Rebecca Hildebrand
PREA Coordinator/Research Analyst
West Virginia Division of
Corrections
1409 Greenbrier Street
Charleston, WV 25311
304-558-2036

Robert Flaherty
Chief of Data Analysis
Pennsylvania Department of
Corrections
1920 Technology Parkway
Mechanicsburg, PA 17050
717-728-4056

Charlotte Jordan Williams
PREA Administrator
North Carolina Department of
Juvenile Justice and Delinquency
Prevention
4201 Mail Service Center
Raleigh, NC 27699
919- 825-2739

Matt Davidson
PREA/Program Coordinator
Alaska Division of Juvenile Justice
240 Main Street, Suite 701
Juneau, AK 99811
907-465-8466

Paula Baumeister
OAS Principal
Minnesota Department of
Corrections
1440 Energy Park Drive, Suite 200
St. Paul, MN 55108
651-361-7228

Tim Harper
PREA Coordinator/Asst. Director of
Investigations
WV Division of Juvenile Services
1200 Quarrier Street, 2nd Floor
Charleston, WV 23501
304-558-9800, x2005

Patricia Cox
Acting PREA Director
Wisconsin Division of Juvenile
Corrections
3099 East Washington Avenue
Madison, WI 53708
608-240-5113

Joshua C. Delaney
Senior Trial Attorney
U.S. Department of Justice
Civil Rights Division
Special Litigation Section
601 D Street NW, Ste. 5728
Washington, D.C. 20004
202-616-2446

Jason Szanyi
Staff Attorney
Center for Children's Law and Policy
1701 K Street, NW, Suite 1100
Washington, DC 20006
202-637-0377, x 108

In designing the questionnaires in 2004, BJS had extensive consultation with correctional administrators, prisoner rights advocates, former inmates, specialists in prison rape research, practitioners, and survey methodologists. BJS convened two panels of experts: 1) a panel for adult prisons and jails, and 2) a panel for juvenile corrections. In the course of implementing the SSV after 2004, the Census Bureau has consulted extensively with data providers.

Based on data collections since 2007, Census staff has learned about item-specific measurement concerns. (See Part B, table 4 for item-level nonresponse rates in the latest available year 2011 for adults and 2007-11 for juveniles.) Incident-level non-response

generally occurs due to the absence of information in investigative records resulting from the extended period of time that can elapse between the incident, its report to correctional authorities, and its final resolution through investigation. Item non-response varied depending on the number of victims and perpetrators, with characteristics of the second victims and perpetrators less well reported. Overall, item non-responses rates are within acceptable ranges, and do not impact survey estimates. (See Part b, table 4.)

Items previously approved for collection in 2010-12 have not changed. However, some response categories in the incident forms have been modified to provide more detailed descriptions, based on information in past “Other – specify” text fields. With these detailed descriptions, use of “Other – specify” fields is expected to be reduced.

Two additional response categories have been added to items related to the victims’ gender and perpetrators’ gender on the incident forms (SSV-IA and SSV-IJ). (See items 7 and 10 for gender of victims and items 19 and 22 for gender of inmate perpetrators.) These categories include “transgender” and “intersex” and the PREA-specified definitions have been provided on the forms. (See page 5 on the SSV-IA and SSV-IJ forms.) These items were included to ensure that data collected in SSV were compliant with the PREA standards (28 C.F.R. Part 115) issued in May 2012.

Experts consulted in 2013 (above) encouraged BJS to add these response categories. In specific, Jason Stanzi, Center for Children’s Law and Policy, requested additional information in SSV related to LGBTQI status; and Joshua Delaney, Senior Trial Attorney, U.S. Department of Justice, Civil Rights Division (and a lead member of the Attorney General’s working group on PREA standards) noted the inconsistencies between the past SSV forms and the final standards. In addition, Giovanna Shay, Professor of Law, Western New England University School of Law, in her remarks, *Sexual Victimization of Jail Inmates with Non-Heterosexual Orientations* at the Prison Rape Review Panel hearings in January 2014, noted the absence of BJS data on transgender and intersex inmates.

BJS considered these recommendations and decided in light of the extensive requirements in the standards related to the treatment of inmates who are transgender or intersex to include these response categories in future SSV collections. To be compliant with the standards, correctional authorities need to know the sexual status of inmates. Standards specific to transgender and intersex prisoners include 115.15 (e) and (f), limits to cross-gender viewing; 115.31 (9), employee training; 115.41 (7), screening for risk; 115.42 (c), use of screening information; and 115.86, sexual abuse reviews. As such, correctional authorities must track both victims and perpetrators who may be considered transgender or intersex. Although the number of inmates who are transgender or intersex may be infrequent (about 0.2% based on inmate self-reports in past national surveys), inclusion of these categories in SSV may yield slightly higher numbers due a higher risk of sexual victimization because of their LGBTQI status.

Three items (items 7, 8, and 9 in SSV-1) relating to inmate-on-inmate sexual harassment have also been added to the summary forms. (See Attachment 2 for corresponding items in forms SSV-2, SSV-3, SSV-4, SSV-5, and SSV-6.) These items and related definitions

have been added to align the SSV with the PREA standards. Finally, text has been added to the definitions of sexual victimization to ensure that respondents understand that the SSV definitions and the PREA definitions are consistent.

Two items have been added to the incident forms (item 4 relates to place of occurrence and video monitoring; item 39 relates to length of time staff perpetrator worked at the facility). These items were included in response to requests from external users and will enhance our understanding of the circumstances surrounding incidents of sexual victimization.

Based on external consultations and contact with past data providers, BJS and Census have established that jurisdictions and facilities will be able to respond to the revised SSV summary and incident forms.

10. Payments of Gifts to Respondents

There will be no payment or gifts made for responding to the survey to staff in state or federal systems, local jail jurisdictions, facilities operated by the U.S. military or Immigration and Customs Enforcement, Indian country facilities, private facilities or juvenile facilities.

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. (See Attachment 4.) The Prison Rape Elimination Act requires that facility- and system-level counts and 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 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 reported in the aggregate rather than by facility.

13. Estimate of Hour Burden

BJS anticipates sending out 1,538 forms during report year 2013. There are six versions of the SSV summary form, 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). Table 1 below contains a breakdown of forms by respondent type.

Based on prior administrations, the estimated average amount of time to complete the SSV-1, SSV-2, and SSV-5 (system-level summary forms) is one hour. The estimated

average amount of time to complete the SSV-3, SSV-4, and SSV-6 (facility-level summary forms) is 30 minutes given that nearly half of facilities report no allegations of sexual victimization.

The SSV-IA and SSV-IJ incident forms are each estimated to take about 30 minutes to complete, with one form for each substantiated incident of sexual victimization. Estimates include supplying the information requested and documenting or explaining the data. Combining the completion of the summary and incident forms, the estimated total burden for respondents is 1353 hours (see table 1 below).

Table 1. Total estimated burden hours necessary to complete the SSV

Reporting task	Total annual responses	Estimated burden hours per response	Total estimated respondent burden (person hours)
SSV-1	1	1	1
SSV-2	50	1	50
SSV-3	700	.5	350
SSV-4	187	.5	94
SSV-5	51	1	51
SSV-6	549	.5	275
SSV-IA	864	.5	432
SSV-IJ	200	.5	100
Total	1,538 respondents (plus 1,064 IA/IJ forms)		1,353

14. Estimate of Cost Burden to Respondents

At an average of \$28.76 per hour,¹ the total annual cost for 1,353 hours of labor is \$38,912, or roughly \$25 per participating respondent.

15. Cost for the Federal Government

The estimated costs for collection, processing, and dissemination of the 2013 SSV data in calendar year 2014 is \$689,800 including -

\$600,000 -- Census Bureau
 \$340,000 for data collection and program management
 \$230,000 for questionnaire production, computer programming, data editing, and furnishing tables

¹Average salary for first-line supervisors/managers of correctional officers. Source: *May 2009 National Occupational Employment and Wage Estimates*, Bureau of Labor Statistics.

\$30,000 in miscellaneous charges -- costs related to postage, telephone calls, printing, etc.

\$89,800 -- Bureau of Justice Statistics
50% GS-13, Statistician (\$54,000)
5% SL, Senior Statistical Advisor (\$8,300)
Benefits (@ 20% - \$12,500)
Other administrative costs (\$15,000)

BJS expects the costs per year to remain stable subject to Cost of Living Adjustments (COLA).

16. Adjustments in Reported Respondent Burden

The current respondent burden is listed as 992 hours. We are requesting an increase to 1,353 to account for 257 additional respondents (from 130 private/special adult facilities to 187) and a revised estimate for completing each incident form (from 15 minutes to 30 minutes per incident). The increase in number of respondents will provide greater precision for annual estimates of the number of allegations and substantiated incidents from privately operated adult facilities and locally or privately operated juvenile facilities. (See Attachment 2 for incident forms and Part B for discussion of sample design and precision.) The revised estimate for completing each incident form will better reflect the actual time respondents spend to provide detailed data on 39 items for each substantiated incident.

17. Project and Publication Schedule

BJS plans to send the 2013 collection year forms to respondents beginning in July 2014. Respondents will be asked to return the forms by September 2014. Data collection, cleaning, and weighting are expected to be completed by December 15 of each collection year.

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 by June 30 an annual report to Congress regarding data collection activities related to the study of prison rape. BJS expects to release the latest juvenile SSV data in August 2014. The summary report, *Sexual Victimization Reported by Juvenile Correctional Authorities, 2007–12*, will include summary data on allegations and substantiated incidents. A companion report, *Survey of Sexual Victimization in Juvenile Correctional Facilities, 2007–12 - Statistical Tables*, will provide jurisdiction and facility detail and will be released at the same time as the summary report.

Additional annual SSV reports are anticipated, including - *Sexual Victimization Reported by Adult Correctional Authorities, 2012–13* in early 2015 and *Sexual Victimization Reported by Juvenile Correctional Authorities, 2013–14* in early 2016.

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.