

National Survey of Youth in Custody (NSYC-3) Cognitive Testing

ATTACHMENTS

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Public Law 108-79
108th Congress

An Act

Sept. 4, 2003
[So 1435]

Prison Rape
Elimination Act
of 2003.
45 USE
15601 note.

To provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.-This Act may be cited as the "Prison Rape Elimination Act of 2003".

(b) TABLE OF CONTENTS.-The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Purposes.

Sec. 4. National prison rape statistics, data, and research. Sec. 5. Prison rape prevention and prosecution.

Sec. 6. Grants to protect inmates and safeguard communities. Sec.

7. National Prison Rape Reduction Commission.

Sec. 8. Adoption and effect of national standards.

Sec. 9. Requirement that accreditation organizations adopt accreditation standards. Sec. 10. Definitions.

42 use 15601.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) 2,100,146 persons were incarcerated in the United States at the end of 2001: 1,324,465 in Federal and State prisons and 631,240 in county and local jails. In 1999, there were more than 10,000,000 separate admissions to and discharges from prisons and jails.

(2) Insufficient research has been conducted and insufficient data reported on the extent of prison rape. However, experts have conservatively estimated that at least 13 percent of the inmates in the United States have been sexually assaulted in prison. Many inmates have suffered repeated assaults. Under this estimate, nearly 200,000 inmates now incarcerated have been or will be the victims of prison rape. The total number of inmates who have been sexually assaulted in the past 20 years likely exceeds 1,000,000.

(3) Inmates with mental illness are at increased risk of sexual victimization. America's jails and prisons house more mentally ill individuals than all of the Nation's psychiatric hospitals combined. As many as 16 percent of inmates in State prisons and jails, and 7 percent of Federal inmates, suffer from mental illness.

(4) Young first-time offenders are at increased risk of sexual victimization. Juveniles are 5 times more likely to be sexually

assaulted in adult rather than juvenile facilities -often within the first 48 hours of incarceration.

(5) Most prison staff are not adequately trained or prepared to prevent, report, or treat inmate sexual assaults.

(6) Prison rape often goes unreported and inmate victims often receive inadequate treatment for the severe physical and psychological effects of sexual assault -if they receive treatment at all.

(7) HIV and AIDS are major public health problems within America's correctional facilities. In 2000, 25,088 inmates in Federal and State prisons were known to be infected with HIV/AIDS. In 2000, HIV/AIDS accounted for more than 6 percent of all deaths in Federal and State prisons. Infection rates for other sexually transmitted diseases, tuberculosis, and hepatitis Band C are also far greater for prisoners than for the American population as a whole. Prison rape undermines the public health by contributing to the spread of these diseases, and often giving a potential death sentence to its victims.

(8) Prison rape endangers the public safety by making brutalized inmates more likely to commit crimes when they are released -as 600,000 inmates are each year.

(9) The frequently interracial character of prison sexual assaults significantly exacerbates interracial tensions, both within prison and, upon release of perpetrators and victims from prison, in the community at large.

(10) Prison rape increases the level of homicides and other violence against inmates and staff, and the risk of insurrections and riots.

(11) Victims of prison rape suffer severe physical and psychological effects that hinder their ability to integrate into the community and maintain stable employment upon their release from prison. They are thus more likely to become home less and/or require government assistance.

(12) Members of the public and government officials are largely unaware of the epidemic character of prison rape and the day-to-day horror experienced by victimized inmates.

(13) The high incidence of sexual assault within prisons involves actual and potential violations of the United States Constitution. In *Farmer v. Brennan*, 511 U.S. 825 (1994), the Supreme Court ruled that deliberate indifference to the substantial risk of sexual assault violates prisoner's rights under the Cruel and Unusual Punishments Clause of the Eighth Amendment. The Eighth Amendment rights of State and local prisoners are protected through the Due Process Clause of the Fourteenth Amendment. Pursuant to the power of Congress under Section Five of the Fourteenth Amendment, Congress may take action to enforce those rights in States where officials have demonstrated such indifference. States that do not take basic steps to abate prison rape by adopting standards that do not generate significant additional expenditures demonstrate such indifference. Therefore, such States are not entitled to the same level of Federal benefits as other States.

(14) The high incidence of prison rape undermines the effectiveness and efficiency of United States Government expenditures through grant programs such as those dealing with health care; mental health care; disease prevention; crime prevention, investigation, and prosecution; prison construction,

maintenance, and operation; race relations; poverty; unemployment and homelessness. The effectiveness and efficiency of these federally funded grant programs are compromised by the failure of State officials to adopt policies and procedures that reduce the incidence of prison rape in that the high incidence of prison rape: -

(A) increases the costs incurred by Federal, State, and local jurisdictions to administer their prison systems;

(B) increases the levels of violence, directed at inmates and at staff, within prisons;

(C) increases health care expenditures, both inside and outside of prison systems, and reduces the effectiveness of disease prevention programs by substantially increasing the incidence and spread of *HIV*, AIDS, tuberculosis, hepatitis Band C, and other diseases;

(D) increases mental health care expenditures, both inside and outside of prison systems, by substantially increasing the rate of post-traumatic stress disorder, depression, suicide, and the exacerbation of existing mental illnesses among current and former inmates;

(E) increases the risks of recidivism, civil strife, and violent crime by individuals who have been brutalized by prison rape; and

(F) increases the level of interracial tensions and strife within prisons and, upon release of perpetrators and victims, in the community at large.

(15) The high incidence of prison rape has a significant effect on interstate commerce because it increases substantially -

(A) the costs incurred by Federal, State, and local jurisdictions to administer their prison systems;

(B) the incidence and spread of HIV, AIDS, tuberculosis, hepatitis Band C, and other diseases, contributing to increased health and medical expenditures throughout the Nation;

(C) the rate of post-traumatic stress disorder, depression, suicide, and the exacerbation of existing mental illnesses among current and former inmates, contributing to increased health and medical expenditures throughout the Nation; and

(D) the risk of recidivism, civil strife, and violent crime by individuals who have been brutalized by prison rape.

SEC. 3. PURPOSES.

The purposes of this Act are to -

(1) establish a zero-tolerance standard for the incidence of prison rape in prisons in the United States;

(2) make the prevention of prison rape a top priority in each prison system;

(3) develop and implement national standards for the detection, prevention, reduction, and punishment of prison rape; (4) increase the available data and information on the incidence of prison rape, consequently improving the management and administration of correctional facilities;

(5) standardize the definitions used for collecting data on the incidence of prison rape;

(6) increase the accountability of prison officials who fail to detect, prevent, reduce, and punish prison rape;

(7) protect the Eighth Amendment rights of Federal, State, and local prisoners;

(8) increase the efficiency and effectiveness of Federal expenditures through grant programs such as those dealing with health care; mental health care; disease prevention; crime prevention, investigation, and prosecution; prison construction, maintenance, and operation; race relations; poverty; unemployment; and homelessness; and .

(9) reduce the costs that prison rape imposes on interstate commerce.

SEC. 4. NATIONAL PRISON RAPE STATISTICS, DATA AND RESEARCH. 42 USC 15603. (a)

ANNUAL COMPREHENSIVE STATISTICAL REVIEW.

(1) IN GENERAL.—The Bureau of Justice Statistics of the Department of Justice (in this section referred to as the "Bureau") shall carry out, for each calendar year, a comprehensive statistical review and analysis of the incidence and effects of prison rape. The statistical review and analysis shall include, but not be limited to the identification of the common characteristics of -

(A) both victims and perpetrators of prison rape; and (B) prisons and prison systems with a high incidence of prison rape ...

(2) CONSIDERATIONS.—In carrying out paragraph (1), the Bureau shall consider -

(A) how rape should be defined for the purposes of the statistical review and analysis;

(B) how the Bureau should collect information about staff-on-inmate sexual assault;

(C) how the Bureau should collect information beyond inmate self-reports of prison rape;

(D) how the Bureau should adjust the data in order to account for differences among prisons as required by subsection (c)(3);

(E) the categorization of prisons as required by subsection (c)(4); and

(F) whether a preliminary study of prison rape should be conducted to inform the methodology of the comprehensive statistical review.

(3) SOLICITATION OF VIEWS.—The Bureau of Justice Statistics shall solicit views from representatives of the following:

State departments of correction; county and municipal jails; juvenile correctional facilities; former inmates; victim advocates; researchers; and other experts in the area of sexual assault.

(4) SAMPLING TECHNIQUES.—The review and analysis under paragraph (1) shall be based on a random sample, or other scientifically appropriate sample, of not less than 10 percent of all Federal, State, and county prisons, and a representative sample of municipal prisons. The selection shall include at least one prison from each State. The selection of facilities for sampling shall be made at the latest practicable date prior to conducting the surveys and shall not be disclosed to any facility or prison system official prior to the time period studied in the survey. Selection of a facility for sampling during any

year shall not preclude its selection for sampling in any subsequent year.

Confidentiality.

(5) SURVEYS.-In carrying out the review and analysis under paragraph (1), the Bureau shall, in addition to such other methods as the Bureau considers appropriate, use surveys and other statistical studies of current and former inmates from a sample of Federal, State, county, and municipal prisons. The Bureau shall ensure the confidentiality of each survey participant.

(6) PARTICIPATION IN SURVEY.-Federal, State, or local officials or facility administrators that receive a request from the Bureau under subsection (a)(4) or (5) will be required to participate in the national survey and provide access to any inmates under their legal custody.

(b) REVIEW PANEL ON PRISON RAPE.-

(O) ESTABLISHMENT.-To assist the Bureau in carrying out the review and analysis under subsection (a), there is established, within the Department of Justice, the Review Panel on Prison Rape (in this section referred to as the "Panel").

(2) MEMBERSHIP.-

(A) COMPOSITION.-The Panel shall be composed of 3 members, each of whom shall be appointed by the Attorney General, in consultation with the Secretary of Health and Human Services.

(B) QUALIFICATIONS.-Members of the Panel shall be selected from among individuals with knowledge or expertise in matters to be studied by the Panel.

(3) PUBLIC HEARINGS.-

(A) IN GENERAL.--The duty of the Panel shall be to carry out, for each calendar year, public hearings concerning the operation of the three prisons with the highest incidence of prison rape and the two prisons with the lowest incidence of prison rape in each category of facilities identified under subsection (c)(4). The Panel shall hold a separate hearing regarding the three Federal or State prisons with the highest incidence of prison rape. The purpose of these hearings shall be to collect evidence to aid in the identification of common characteristics of both victims and perpetrators of prison rape, and the identification of common characteristics of prisons and prison systems with a high incidence of prison rape, and the identification of common characteristics of prisons and prison systems that appear to have been successful in deterring prison rape.

(B) TESTIMONY AT HEARINGS.-

(i) PUBLIC OFFICIALS.-In carrying out the hearings required under subparagraph (A), the Panel shall request the public testimony of Federal, State, and local officials (and organizations that represent such officials), including the warden or director of each prison, who bears responsibility for the prevention, detection, and punishment of prison rape at each entity, and the head of the prison system encompassing such prison.

(ii) VICTIMS.-The Panel may request the testimony of prison rape victims, organizations representing

such victims, and other appropriate individuals and organizations.

(C) SUBPOENAS-

(i) ISSUANCE-The Panel may issue subpoenas for the attendance of witnesses and the production of writ ten or other matter.

(ii) ENFORCEMENT.-In the case of contumacy or refusal to obey a subpoena, the Attorney General may in a Federal court of appropriate jurisdiction obtain an appropriate order to enforce the subpoena.

(c) REPORTS-

(1) IN GENERAL-Not later than June 30 of each year, Deadline. the Attorney General shall submit a report on the activities of the Bureau and the Review Panel, with respect to prison rape, for the preceding calendar year to -

(A) Congress; and

(B) the Secretary of Health and Human Services.

(2). CONTENTS-The report required under paragraph (1) shall include -

(A) with respect to the effects of prison rape, statistical, sociological, and psychological data;

(B) with respect to the incidence of prison rape -

(i) statistical data aggregated at the Federal, State, prison system, and prison levels;

(ii) a listing of those institutions in the representative sample, separated into each category identified under subsection (c)(4) and ranked according to the incidence of prison rape in each institution; and

(iii) an identification of those institutions in the representative sample that appear to have been successful in deterring prison rape; and

(C) a listing of any prisons in the representative sample that did not cooperate with the survey conducted pursuant to section 4.

(3) DATA ADJUSTMENTS-In preparing the information specified in paragraph (2), the Attorney General shall use established statistical methods to adjust the data as necessary to account for differences among institutions in the representative sample, which are not related to the detection, prevention, reduction and punishment of prison rape, or which are outside the control of the State, prison, or prison system, in order to provide an accurate comparison among prisons. Such differences may include the mission, security level, size, and jurisdiction under which the prison operates. For each such adjustment made, the Attorney General shall identify and explain such adjustment in the report.

(4) CATEGORIZATION OF PRISONSThe report shall divide the prisons surveyed into three categories. One category shall be composed of all Federal and State prisons. The other two categories shall be defined by the Attorney General in order to compare similar institutions.

(d) CONTRACTS AND GRANTS.-In carrying out its duties under this section, the Attorney General may -

(1) provide grants for research through the National Institute of Justice; and

(2) contract with or provide grants to any other entity the Attorney General deems appropriate.

(e) AUTHORIZATION OF APPROPRIATIONS.-There are authorized to be appropriated \$15,000,000 for each of fiscal years 2004 through 2010 to carry out this section.

42 USE 15604.

SEC. 5. PRISON RAPE PREVENTION AND PROSECUTION. (a) INFORMATION AND ASSISTANCE.-

Establishment.

(1) NATIONAL CLEARINGHOUSE.-There is established within the National Institute of Corrections 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.

(2) TRAINING AND EDUCATION.-The National Institute of Corrections shall conduct periodic training and education programs for Federal, State, and local authorities responsible for the prevention, investigation, and punishment of instances of prison rape.

Deadline.

(b) REPORTS.-

(1) IN GENERAL.-Not later than September 30 of each year, the National Institute of Corrections shall submit a report to Congress and the Secretary of Health and Human Services. This report shall be available to the Director of the Bureau of Justice Statistics.

(2) CONTENTS.-The report required under paragraph (1) shall summarize the activities of the Department of Justice regarding prison rape abatement for the preceding calendar year ..

(c) AUTHORIZATION OF APPROPRIATIONS.-There are authorized to be appropriated \$5,000,000 for each of fiscal years 2004 through 2010 to carry out this section ..

42 USE 15605.

SEC. 6. GRANTS TO PROTECT INMATES AND SAFEGUARD COMMUNITIES.

(a) GRANTS AUTHORIZED.-From amounts made available for grants under this section, the Attorney General shall make grants to States to assist those States in ensuring that budgetary circumstances (such as reduced State and local spending on prisons) do not compromise efforts to protect inmates (particularly from prison rape) and to safeguard the communities to which inmates return. The purpose of grants under this section shall be to provide funds for personnel, training, technical assistance, data collection, and equipment to prevent and prosecute prisoner rape.

(b) USE OF GRANT AMOUNTS.-Amounts received by a grantee under this section may be used by the grantee, directly or through subgrants, only for one or more of the following activities:

(1) PROTECTING INMATES.-Protecting inmates by-

(A) undertaking efforts to more effectively prevent prison rape;

(B) investigating incidents of prison rape; or

(C) prosecuting incidents of prison rape.

(2) SAFEGUARDING COMMUNITIES.-Safeguarding communities by-

(A) making available, to officials of State and local governments who are considering reductions to prison budgets, training and technical assistance in successful methods for moderating the growth of prison populations without compromising public safety, including successful methods used by other jurisdictions;

(B) developing and utilizing analyses of prison populations and risk assessment instruments that will improve State and local governments' understanding of risks to the community regarding release of inmates in the prison population;

(C) preparing maps demonstrating the concentration, on a community-by-community basis, of inmates who have been released, to facilitate the efficient and effective -

(i) deployment of law enforcement resources (including probation and parole resources); and

(ii) delivery of services (such as job training and substance abuse treatment) to those released inmates; (D) promoting collaborative efforts, among officials of State and local governments and leaders of appropriate communities, to understand and address the effects on a community of the presence of a disproportionate number of released inmates in that community; or

(E) developing policies and programs that reduce spending on prisons by effectively reducing rates of parole and probation revocation without compromising public safety.

(c) GRANT REQUIREMENTS-

(1) PERIOD.-A grant under this section shall be made for a period of not more than 2 years.

(2) MAXIMUM.- The amount of a grant under this section may not exceed \$1,000,000.

(3) MATCHING.-The Federal share of a grant under this section may not exceed 50 percent of the total costs of the project described in the application submitted under subsection (d) for the fiscal year for which the grant was made under this section.

(d) APPLICATIONS.

(1) IN GENERAL.-To request a grant under this section, the chief executive of a State shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may require.

(2) CONTENTS.-Each application required by paragraph

(1) shall-

(A) include the certification of the chief executive that the State receiving such grant -

(i) has adopted all national prison rape standards that, as of the date on which the application was submitted, have been promulgated under this Act; and

(ij) will consider adopting all national prison rape standards that are promulgated under this Act after such date; .. (B) specify with particularity the preventative, prosecu -

torial, or administrative activities to be undertaken by the State with the amounts received under the grant; and (C) in the case of an application for a grant for one or more activities specified in paragraph (2) of subsection (b) -

(1) review the extent of the budgetary circumstances affecting the State generally and describe how those circumstances relate to the State's prisons;

(ii) describe the rate of growth of the State's prison population over the preceding 10 years and explain why the State may have difficulty sustaining that rate of growth; and

(iii) explain the extent to which officials (including law enforcement officials) of State and local governments and victims of crime will be consulted regarding decisions whether, or how, to moderate the growth of the State's prison population.

(e) REPORTS BY GRANTEE.-

Deadline.

(1) IN GENERAL.-The Attorney General shall require each grantee to submit, not later than 90 days after the end of the period for which the grant was made under this section, a report on the activities carried out under the grant. The report shall identify and describe those activities and shall contain an evaluation of the effect of those activities on-

(A) the number of incidents of prison rape, and the grantee's response to such incidents; and

(B) the safety of the prisons, and the safety of the communities in which released inmates are present.

(2) DISSEMINATION.-The Attorney General shall ensure that each report submitted under paragraph (1) is made available under the national clearinghouse established under section 5.

(f) STATE DEFINED.-In this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(g) AUTHORIZATION OF APPROPRIATIONS.-

(1) IN GENERAL.-There are authorized to be appropriated for grants under this section \$40,000,000 for each of fiscal years 2004 through 2010.

(2) LIMITATION.-Of amounts made available for grants under this section, not less than 50 percent shall be available only for activities specified in paragraph (1) of subsection (b).

SEC. 7. NATIONAL PRISON RAPE REDUCTION COMMISSION.

42 USE 15606.

(a) ESTABLISHMENT.-There is established a commission to be known as the National Prison Rape Reduction Commission (in this section referred to as the "Commission").

(b) MEMBERS.-

(1) IN GENERAL.-The Commission shall be composed of 9 members, of whom-

(A) 3 shall be appointed by the President;

President.

(B) 2 shall be appointed by the Speaker of the House of Representatives, unless the Speaker is of the same party as the President, in which case 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the minority leader of the House of Representatives;

(C) 1 shall be appointed by the minority leader of the House of Representatives (in addition to any appointment made under subparagraph (B));

(D) 2 shall be appointed by the majority leader of the Senate, unless the majority leader is of the same party as the President, in which case 1 shall be appointed by the majority leader of the Senate and 1 shall be appointed by the minority leader of the Senate; and

(E) 1 member appointed by the minority leader of the Senate (in addition to any appointment made under subparagraph (D)).

(2) PERSONS ELIGIBLE.—Each member of the Commission shall be an individual who has knowledge or expertise in matters to be studied by the Commission.

(3) CONSULTATION REQUIRED.—The President, the Speaker and minority leader of the House of Representatives, and the majority leader and minority leader of the Senate shall consult with one another prior to the appointment of the members of the Commission to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(4) TERM.—Each member shall be appointed for the life of the Commission.

(5) TIME FOR INITIAL APPOINTMENT.—The appointment of the members shall be made not later than 60 days after the date of enactment of this Act.

(6) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made, and shall be made not later than 60 days after the date on which the vacancy occurred.

(c) OPERATION:

(1) CHAIRPERSON.—Not later than 15 days after appointments of all the members are made, the President shall appoint a chairperson for the Commission from among its members.

(2) MEETINGS.—The Commission shall meet at the call of the chairperson. The initial meeting of the Commission shall take place not later than 30 days after the initial appointment of the members is completed.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission.

(4) RULES.—The Commission may establish by majority vote any other rules for the conduct of Commission business, if such rules are not inconsistent with this Act or other applicable law.

(d) COMPREHENSIVE STUDY OF THE IMPACTS OF PRISON RAPE.—

(1) IN GENERAL.—The Commission shall carry out a comprehensive legal and factual study of the penalological, physical, mental, medical, social, and economic impacts of prison rape in the United States on—

(A) Federal, State, and local governments; and

(B) communities and social institutions generally, including individuals, families, and businesses within such communities and social institutions

(2) MATTERS INCLUDED.—The study under paragraph (1) shall include—

(A) a review of existing Federal, State, and local government policies and practices with respect to the prevention, detection, and punishment of prison rape;

(B) an assessment of the relationship between prison rape and prison conditions, and of existing monitoring, regulatory, and enforcement practices that are intended to address any such relationship;

(C) an assessment of pathological or social causes of prison rape;

(D) an assessment of the extent to which the incidence of prison rape contributes to the spread of sexually transmitted diseases and to the transmission of HI V;

(E) an assessment of the characteristics of inmates most likely to commit prison rape and the effectiveness of various types of treatment or programs to reduce such likelihood;

(F) an assessment of the characteristics of inmates most likely to be victims of prison rape and the effectiveness of various types of treatment or programs to reduce such likelihood;

(G) an assessment of the impacts of prison rape on individuals, families, social institutions and the economy generally, including an assessment of the extent to which the incidence of prison rape contributes to recidivism and to increased incidence of sexual assault;

(H) an examination of the feasibility and cost of conducting surveillance, undercover activities, or both, to reduce the incidence of prison rape;

(I) an assessment of the safety and security of prison facilities and the relationship of prison facility construction and design to the incidence of prison rape;

(J) an assessment of the feasibility and cost of any particular proposals for prison reform;

(K) an identification of the need for additional scientific and social science research on the prevalence of prison rape in Federal, State, and local prisons;

(L) an assessment of the general relationship between prison rape and prison violence;

(M) an assessment of the relationship between prison rape and levels of training, supervision, and discipline of prison staff; and

(N) an assessment of existing Federal and State systems for reporting incidents of prison rape, including an assessment of whether existing systems provide an adequate assurance of confidentiality, impartiality and the absence of reprisal.

(3) REPORT.-

(A) DISTRIBUTION.-Not later than 2 years after the date of the initial meeting of the Commission, the Commission shall submit a report on the study carried out under this subsection to-

- (i) the President;
- (ii) the Congress;
- (iii) the Attorney General;
- (iv) the Secretary of Health and Human Services;
- (v) the Director of the Federal Bureau of Prisons;
- (vi) the chief executive of each State; and
- (vii) the head of the department of corrections of each State.

(B) CONTENTS.-The report under subparagraph (A) shall include-

- (i) the findings and conclusions of the Commission;
- (ii) recommended national standards for reducing prison rape;

Deadline.

(iii) recommended protocols for preserving evidence and treating victims of prison rape; and

(iv) a summary of the materials relied on by the Commission in the preparation of the report.

(e) RECOMMENDATIONS.-

(1) IN GENERAL.—In conjunction with the report submitted under subsection (d)(3), the Commission shall provide the Attorney General and the Secretary of Health and Human Services with recommended national standards for enhancing the detection, prevention, reduction, and punishment of prison rape.

(2) MATTERS INCLUDED.—The information provided under paragraph (1) shall include recommended national standards relating to --

(A) the classification and assignment of prisoners, using proven standardized instruments and protocols, in a manner that limits the occurrence of prison rape;

(B) the investigation and resolution of rape complaints by responsible prison authorities, local and State police, and Federal and State prosecution authorities;

(C) the preservation of physical and testimonial evidence for use in an investigation of the circumstances relating to the rape;

(D) acute-term trauma care for rape victims, including standards relating to --

(i) the manner and extent of physical examination and treatment to be provided to any rape victim; and

(ii) the manner and extent of any psychological examination, psychiatric care, medication, and mental health counseling to be provided to any rape victim; (E) referrals for long-term continuity of care for rape

victims;

(F) educational and medical testing measures for reducing the incidence of HIV transmission due to prison rape;

(G) post-rape prophylactic medical measures for reducing the incidence of transmission of sexual diseases; (H) the training of correctional staff sufficient to ensure that they understand and appreciate the significance of prison rape and the necessity of its eradication;

(I) the timely and comprehensive investigation of staff sexual misconduct involving rape or other sexual assault on inmates;

(J) ensuring the confidentiality of prison rape complaints and protecting inmates who make complaints of prison rape;

(K) creating a system for reporting incidents of prison rape that will ensure the confidentiality of prison rape complaints, protect inmates who make prison rape complaints from retaliation, and assure the impartial resolution of prison rape complaints;

(L) data collection and reporting of.

(i) prison rape;

(ii) prison staff sexual misconduct; and

(iii) the resolution of prison rape complaints by prison officials and Federal, State, and local investigation and prosecution authorities; and

(M) such other matters as may reasonably be related to the detection, prevention, reduction, and punishment of prison rape.

(3) LIMITATION-The Commission shall not propose a recommended standard that would impose substantial additional costs compared to the costs presently expended by Federal, State, and local prison authorities.

(D) CONSULTATION WITH ACCREDITATION ORGANIZATIONS.-In developing recommended national standards for enhancing the detection, prevention, reduction, and punishment of prison rape, the Commission shall consider any standards that have already been developed, or are being developed simultaneously to the deliberations of the Commission. The Commission shall consult with accreditation organizations responsible for the accreditation of Federal, State, local or private prisons, that have developed or are currently developing standards related to prison rape. The Commission will also consult with national associations representing the corrections profession that have developed or are currently developing standards related to prison rape.

(g) HEARINGS-

(1) IN GENERAL-The Commission shall hold public hearings. The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under this section.

(2) WITNESS EXPENSE-Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Commission.

(h) INFORMATION FROM FEDERAL OR STATE AGENCIES-The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties under this section. The Commission may request the head of any State or local department or agency to furnish such information to the Commission.

(i) PERSONNEL MATTERS.

(1) TRAVEL EXPENSES-The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(2) DETAIL OF FEDERAL EMPLOYEES-With the affirmative vote of 2/3 of the Commission, any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.-Upon the request of the Commission, the Attorney General shall provide reasonable and appropriate office space, supplies, and administrative assistance.

(j) CONTRACTS FOR RESEARCH. -

(1) NATIONAL INSTITUTE OF JUSTICE-With a 0/s affirmative vote, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out its duties

under this Act. The National Institute of Justice shall contract with the researchers and experts selected by the Commission to provide funding in exchange for their services.

(2) OTHER ORGANIZATIONS.-Nothing in this subsection shall be construed to limit the ability of the Commission to enter into contracts with other entities or organizations for research necessary to carry out the duties of the Commission under this section.

(k) SUBPOENAS.-

(1) ISSUANCE.-The Commission may issue subpoenas for the attendance of witnesses and the production of written or other matter.

(2) ENFORCEMENT.-In the case of contumacy or refusal to obey a subpoena, the Attorney General may in a Federal court of appropriate jurisdiction obtain an appropriate order to enforce the subpoena.

(3) CONFIDENTIALITY OF DOCUMENTARY EVIDENCE.-Documents provided to the Commission pursuant to a subpoena issued under this subsection shall not be released publicly without the affirmative vote of 75% of the Commission.

(l) AUTHORIZATION OF APPROPRIATIONS.-There are authorized to be appropriated such sums as may be necessary to carry out this section ..

(m) TERMINATION..The Commission shall terminate on the date that is 60 days after the date on which the Commission submits the reports required by this section.'

(n) EXEMPTION.-The Commission shall be exempt from the Federal Advisory Committee Act.

SEC. 8. ADOPTION AND EFFECT OF NATIONAL

STANDARDS. (a) PUBLICATION OF PROPOSED

STANDARDS.-

(1) FINAL RULE.-Not later than 1 year after receiving the report specified in section 7(d)(3), the Attorney General shall publish a final rule adopting national standards for the detection, prevention, reduction, and punishment of prison rape.

(2) INDEPENDENT JUDGMENT.-The standards referred to in paragraph (1) shall be based upon the independent judgment of the Attorney General, after giving due consideration to the recommended national standards provided by the Commission under section 7(e), and being informed by such data, opinions, and proposals that the Attorney General determines to be appropriate to consider.

(3) LIMITATION.-The Attorney General shall not establish a national standard under this section that would impose substantial additional costs compared to the costs presently expended by Federal, State, and local prison authorities. The Attorney General may, however, provide a list of improvements for consideration by correctional facilities.

(4) TRANSMISSION TO STATES.-Within 90 days of publishing the final rule under paragraph (1), the Attorney General shall transmit the national standards adopted under such paragraph to the chief executive of each State, the head of the department of corrections of each State, and to the appropriate authorities in those units of local government who oversee operations in one or more prisons.

(b) APPLICABILITY TO FEDERAL BUREAU OF PRISONS.-The national standards referred to in subsection (a) shall apply to the

Deadlines.
42 USC
15607.

Federal Bureau of Prisons immediately upon adoption of the final rule under subsection (a)(4).

(c) ELIGIBILITY FOR FEDERAL FUNDS. (1) COVERED PROGRAMS.-

(A) IN GENERAL.-For purposes of this subsection, a grant program is covered by this subsection if, and only if -

(i) the program is carried out by or under the authority of the Attorney General; and

(ii) the program may provide amounts to States for prison purposes.

(B) LIST.-For each fiscal year, the Attorney General shall prepare a list identifying each program that meets the criteria of subparagraph (A) and provide that list to each State.

(2) ADOPTION OF NATIONAL STANDARDS.-For each fiscal year, any amount that a State would otherwise receive for prison purposes for that fiscal year under a grant program covered by this subsection shall be reduced by 5 percent, unless the chief executive of the State submits to the Attorney General-

(A) a certification that the State has adopted, and is in full compliance with, the national standards described in section 8(a); or

(B) an assurance that not less than 5 percent of such amount shall be used only for the purpose of enabling the State to adopt, and achieve full compliance with, those national standards, so as to ensure that a certification under subparagraph (A) may be submitted in future years. (3)

REPORT ON NONCOMPLIANCE.-Not later than September 30 of each year, the Attorney General shall publish a report listing each grantee that is not in compliance with the national standards adopted pursuant to section 8(a).

(4) COOPERATION WITH SURVEY.-For each fiscal year, any amount that a State receives for that fiscal year under a grant program covered by this subsection shall not be used for prison purposes (and shall be returned to the grant program if no other authorized use is available), unless the chief executive of the State submits to the Attorney General a certification that neither the State, nor any political subdivision or unit of local government within the State, is listed in a report issued by the Attorney General pursuant to section 4(c)(2)(C).

(5) REDISTRIBUTION OF AMOUNTS.-Amounts under a grant program not granted by reason of a reduction under paragraph (2), or returned by reason of the prohibition in paragraph (4), shall be granted to one or more entities not subject to such reduction or such prohibition, subject to the other laws governing that program.

(6) IMPLEMENTATION.-The Attorney General shall establish procedures to implement this subsection, including procedures for effectively applying this subsection to discretionary grant programs.

(7) EFFECTIVE DATE.-

(A) REQUIREMENT OF ADOPTION OF STANDARDS.-The first grants to which paragraph (2) applies are grants for the second fiscal year beginning after the date on which the national standards under section 8(a) are finalized.

adline.

cedures.

Ⓔ REQUIREMENT FOR COOPERATION.-The first grants to which paragraph (4) applies are grants for the fiscal year beginning after the date of the enactment of this Act.

SEC. 9. REQUIREMENT THAT ACCREDITATION ORGANIZATIONS 42 use 15608.
ADOPT ACCREDITATION STANDARDS.

(a) ELIGIBILITY FOR FEDERAL GRANTS.-Notwithstanding any other provision of law, an organization responsible for the accreditation of Federal, State, local, or private prisons, jails, or other penal facilities may not receive any new Federal grants during any period in which such organization fails to meet any of the requirements of subsection (b).

(b) REQUIREMENTS.-To be eligible to receive Federal grant., Deadlines. an accreditation organization referred to in subsection (a) must meet the following requirements:

(1) At all times after 90 days after the date of enactment of this Act, the organization shall have in effect, for each facility that it is responsible for accrediting, accreditation standards for the detection, prevention, reduction, and punishment of prison rape ..

(2) At all times. after 1 year after the date of the adoption of the final rule under section 8(a)(4), the organization shall, in addition to any other such standards that it may promulgate relevant to the detection, prevention, reduction, and punishment of prison rape, adopt accreditation standards consistent with the national standards adopted pursuant to such final rule.

SEC. 10. DEFINITIONS.

42 USC 15609.

In this Act, the following definitions shall apply:

(1) CARNAL KNOWLEDGE.-The term "carnal knowledge" means contact between the penis and the vulva or the penis and the anus, including penetration of any sort, however slight .

(2) INMATE.-The term "inmate" means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.

(3) JAIL.-The term "jail" means a confinement facility of a Federal, State, or local law enforcement agency to hold-

(A) persons pending adjudication of criminal charges;

Ⓔ persons committed to confinement after adjudication of criminal

or

charges for sentences of 1 year or less. (4) HIV.-The term "HIV" means the human immunodeficiency virus.

(5) ORAL SODOMY.-The term "oral sodomy" means contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus.

(6) POLICE LOCKUP.-The term "police lockup" means a temporary holding facility of a Federal, State, or local law enforcement agency to hold-

(A) inmates pending bail or transport to jail;

Ⓔ inebriates until ready for release; or

(C) juveniles pending parental custody or shelter placement.

(7) PRISON.-The term "prison" means any confinement facility of a Federal, State, or local government, whether administered by such government or by a private organization on behalf of such government, and includes-

- (A) any local jailor police lockup; and
- (B) any juvenile facility used for the custody or care of juvenile inmates.

(8) PRISON RAPE.-The term "prison rape" includes the rape of an inmate in the actual or constructive control of prison officials.

(9) RAPE.-The term "rape" means-

(A) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person, forcibly or against that person's will;

(B) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person not forcibly or against the person's will, where the victim is incapable of giving consent because of his or her youth or his or her temporary or permanent mental or physical incapacity; or

(C) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person achieved through the exploitation of the fear or threat of physical violence or bodily injury.

(10) SEXUAL ASSAULT WITH AN OBJECT.-The term "sexual assault with an object" means the use of any hand, finger, object, or other instrument to penetrate, however slightly, the genital or anal opening of the body of another person.

(11) SEXUAL FONDLING.-The term "sexual fondling" means the touching of the private body parts of another person (including the genitalia, anus, groin, breast, inner thigh, or buttocks) for the purpose of sexual gratification.

(12) EXCLUSIONS:-The terms and conditions described in paragraphs (9) and (10) shall not apply to--

- (A) custodial or medical personnel gathering physical evidence, or engaged in other legitimate medical treatment, in the course of investigating prison rape;
- (B) the use of a health care provider's hands or fingers or the use of medical devices in the course of appropriate medical treatment unrelated to prison rape; or

(C) the use of a health care provider's hands or fingers and the use of instruments to perform body cavity searches in order to maintain security and safety within the prison or detention facility, provided that the search is conducted in a manner consistent with constitutional requirements.

Approved September 4, 2003.

LEGISLATIVE HISTORY-S. 1435:

CONGRESSIONAL RECORD, Vol. 149 (2003):

July 21, considered and passed Senate. July 25, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Sept. 4, Presidential statement.

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Attachment 2: Protocols and Instruments

- **Facility Cognitive Testing Protocol: Version 1 (Page 2-2)**
- **Facility Cognitive Testing Protocol: Version 2 (Page 2-18)**
- **Non-Facility Cognitive Testing Protocol (Page 2-37)**
- **Youth Version 1 of Facility Items for Testing (Page 2-43)**
- **Youth Version 2 of Facility Items for Testing (Page 2-54)**
- **Youth Version of Non-Facility Items for Testing (Page 2-69)**

**National Survey of Youth in Custody (NSYC-3)
Cognitive Interview Guide
Version 1**

Hello. My name is () and I work for Westat, a research firm outside of Washington, DC. We are working with the U.S. Department of Justice on a special study called the National Survey of Youth in Custody. Today I would like to show you some of the questions we are considering for the study and get your reactions to them. Let's start by going over some details about the study.

HAND COPY OF ASSENT FORM TO R AND READ FORM ALOUD

ANSWER PARTICIPANT'S QUESTIONS, IF ANY. IF THE YOUTH UNDERSTANDS THE ASSENT CONCEPTS, ASK FOR ASSENT.

Are you willing to participate in this study?

IF R SAYS "YES", INTERVIEWER SIGN AND DATE THE YOUTH ASSENT FORM AND PROVIDE A COPY FOR THE RESPONDENT. IF THE R SAYS "NO", THANK THEM AND END THE INTERVIEW.

Thank you.

Now I'm going to hand you the questions a few at a time. I will read them aloud while you look at them. After I've finished reading the question, you can circle your answer. Later, there will be some questions that I ask you NOT to answer, but just to look at and think about. For those, I'll let you know before I show them to you.

After you answer each question, we will stop to talk about it. I might ask you to tell me what you were thinking about when you answered the question, what the question was asking, or anything else you might think about the question. This will help us figure out how we can improve the questions.

Sometimes, I'll ask you about some of the words in the question. If you don't understand a question, please tell me, because that's just the sort of thing I'm trying to find out here.

Do you have any questions before we begin?

SECTION 1: Facility Living Conditions

Here is the first set of questions. Please go ahead and circle your answer to each question as we read through them.

[AFTER R HAS ANSWERED ALL THE ITEMS IN SECTION 1, ASK PROBES]

	<u>Yes</u>	<u>No</u>
FL5. The temperature usually feels ok here--it isn't too hot or too cold.	1	2
FL6. Room lights are turned off at night when youth are sleeping.	1	2
FL7. The facility is noisy at night when youth are sleeping.	1	2
FL8. I am allowed to take a shower every day.....	1	2
FL9. I feel like I have enough privacy here from staff and other youth.	1	2
F10. I am allowed to decorate where I sleep to make it feel like I have my own personal space.....	1	2
F11. I am allowed to wear my hair the way I want	1	2
F12. I am allowed to talk to other youth during meal time.....	1	2
F13. The staff here set up celebrations for holidays and youths' birthdays.....	1	2

Were any of these questions confusing or not clear?

[IF YES]: Which item was that, and what was confusing about it?

[If YES to FL9]: You answered “Yes” to question #9. Can you tell me more about your answer?

[If NO to FL9]: You answered “No” to question #9. Can you tell me more about your answer?

[IF NEEDED]: What does it mean to have “enough privacy?”

[If YES to FL10]: You answered “Yes” to question #10. Can you tell me more about your answer?

[If NO to FL10]: Can you tell me more about why you answered “No” to question #10?

Do you have any other comments on any of these questions?

SECTION 2: Staff Treatment

Here are the next questions. Again, I'm going to read them aloud. Please circle your answers and then we'll talk about the questions and the answers you gave.

[AFTER R HAS ANSWERED ALL THE ITEMS IN SECTION 2, ASK PROBES]

[INTERVIEWER: MAKE NOTE OF ANY HESITATION OR SIGNS OF CONFUSION AS RESPONDENT IS ANSWERING, AND PROBE AFTER SERIES HAS BEEN ANSWERED]

ST1. How many staff explain facility rules clearly?

- None of the staff 1
- Few of the staff 2
- Most of the staff 3
- All of the staff 4

ST2. How many staff use force when they don't really need to?

- None of the staff 1
- Few of the staff 2
- Most of the staff 3
- All of the staff 4

ST3. How many staff give fair punishments?

- None of the staff 1
- Few of the staff 2
- Most of the staff 3
- All of the staff 4

ST4. Are staff disrespectful?

- Yes
- No

ST5. Do staff give youth the chance to tell their side before making decisions?

- Yes
- No

ST6. Do staff act honestly?

- Yes
- No

Looking just at the first 3 questions on this page, how easy or hard was it to answer these questions?

What made these items [easy/hard]?

[IF R HESITATED OR SHOWED ANY CONFUSION:] I noticed you seemed to hesitate with question __. Can you tell me more about what you were thinking?

Was it hard to choose between All, Most, Few, or None of the staff?

[IF YES] Can you tell me more about what made it hard?

Now looking at the second 3 questions on this page, how easy or hard was it to answer these questions? What made these items [easy/hard]?

Comparing the way the first 3 questions were asked to the yes/no format in the second 3 questions, which way would you prefer to answer questions about staff? (Explain.)

Any other comments on this set of questions before we move on?

SECTION 3: Misconduct/Victimization

Here is the next question.

MV12. [Since coming to this facility OR In the past 12 months] Have you been written up or charged for breaking facility rules such as talking back to staff, being out of place, or not following directions?

Yes 1
No 2

[IF YES]: Can you tell me more about your answer?

[IF NO]: What do you think this question is asking about?

[ASK ALL]:

The question talks about being written up for “being out of place.” What does that mean to you?

Can you give an example of how kids can be written up for being out of place?

Is being “written up” and being “charged” the same thing or are those different?

[If NO:] How are they different?

SECTION 4: Education on PREA

Here is the next question. I'm going to read it aloud. Please circle your answer and then we'll talk about the question and the answer you gave.

EP1. After you got to this facility (this time), when did you first learn that all forms of sexual abuse and harassment are not allowed?

- Within the first 24 hours after you got here (this time) 1
- Between 1 and 10 days after you got here (this time)..... 2
- More than 10 days after you got here (this time)..... 3
- I was never told that all forms of sexual abuse and harassment are not allowed..... 4

Tell me about how you decided on your answers.
What do you think this question is asking?

[If R answered codes 1-3, CONTINUE with question and answer format]

[If R answered code 4] Even though you haven't been told the rules about sexual activity at this facility, I would still like to talk about the next few questions about this topic. Please do not circle an answer or tell me your answer. I'm going to read this whole list and then I'll just ask you how you interpreted some of the items.

EP4. How were you given information about these rules?

	<u>Yes</u>	<u>No</u>
a. Facility staff		
b. Posters/signs.....	1	2
c. Brochure/flier/pamphlet/handout	1	2
d. Handbook.....	1	2
e. Video	1	2
f. Telephone system.....	1	2

[If R answered the questions]: Tell me more your answers to these items...

[ASK ALL]:

Do any of these items seem confusing or unclear to you?

What do you think is meant by a "handbook"?

What do you think is meant by "Telephone system"?

Are there any other ways you could get information about the rules that aren't listed here?

EP5. Do you think youth in this facility would feel safe reporting any sexual abuse to staff?

- Yes 1
- No 2

What do you think this question is asking?

Tell me about how you decided on your answer.

SECTION 5: Grooming by Staff

These next questions will be used to get information about interactions that may happen between youth and staff at this facility. I don't want you to answer these questions. I just want you to tell me what the questions might mean to someone in the facility, so please do not circle an answer for these.

[DO NOT HAVE RESPONDENT CIRCLE ANSWERS FOR SECTION 5]

Gr3.1. Since you got here, has any staff member offered you extra privileges at the canteen or commissary including food, personal items, clothing, or other items?

Yes 1
No 2

What types of situations do you think this question is asking about?

What is meant by “canteen or commissary”? What is this called in this facility (where you can buy items)?

Can you give me an example of a situation where someone might say yes to this?

GR7. Since you got here, has any staff member ever spent time alone with you and asked you not to tell anyone?

Yes 1
No 2

What types of situations do you think this question is asking about?

(IF NEEDED) When you read “has any staff member ever spent time alone with you”, what did that make you think of?

(IF NEEDED) Can you give me an example of a time when staff are alone with youth?

GR8. Since you got here, has any staff member ever shared that they felt emotionally close to you or that they had special feelings for you?

Yes 1
No 2

What do you think this question is asking about?

(IF NEEDED) The question talks about staff feeling “emotionally close” or having “special feelings” for you. Do they mean the same thing or are they something different?

GR9. Since you got here, has any staff member talked to you about sex in a way that was not part of their regular job duties, joked with you about sex, or shared sexual stories with you?

Yes 1
No 2

Can you give me an example of a situation where someone might answer yes to this question? Please do not share any names.

Any other comments on this set of questions before we move on?

SECTION 6: Mental Health

These next questions will be used to get information about the mental health of youth in this facility. Please go ahead and circle your answers as I read the questions.

MH1. In the past 30 days, how often did you have each of the following experiences:

	All of the <u>time</u>	Most of the <u>time</u>	Some of the <u>time</u>	A little of the <u>time</u>	None of the <u>time</u>
a. How often did you feel nervous?	1	2	3	4	5
b. How often did you feel hopeless?	1	2	3	4	5
c. How often did you feel restless or fidgety? ..	1	2	3	4	5
d. How often did you feel so depressed that nothing could cheer you up?	1	2	3	4	5
e. How often did you feel that everything was an effort?	1	2	3	4	5
f. How often did you feel worthless?.....	1	2	3	4	5

(IF ANY CODES 1-4 IN A-F, ASK ITEM G AND HAVE RESPONDENT CIRCLE AN ANSWER)

(IF “NONE OF THE TIME” TO ALL ITEMS A-F): For this next question, let’s assume that a youth answers that they were feeling some of these ways some of the time in the past 30 days. Here is the next question they would be asked.

	More <u>often</u>	Less <u>often</u>	About the <u>same</u>	Never had <u>any</u>	/
g. We just reviewed a number of negative feelings and experiences during the past 30 days. Taking them altogether, did these feelings occur <u>more often</u> in the past 30 days than is usual for you, <u>less often</u> than usual, or <u>about the same</u> as usual?	1	2	3	4	

What do you think this last question is asking about?

[IF RESPONDENT ANSWERED QUESTION] How did you decide on your answer to this question?

[IF RESPONDENT ANSWERED QUESTION] How easy or difficult was it for you to answer?

Please go ahead and circle your answers as I read these next questions.

MH2. During your first years at school—say between the ages of kindergarten and second grade—was there ever a period lasting six months or longer when you:

a. Lost interest very quickly in games or work

Yes 1
No 2

b. Had trouble finishing what you started without being distracted

Yes 1
No 2

c. Were not listening when people spoke to you.

Yes 1
No 2

How easy or difficult was it for you to answer these questions? How easy is it to remember what things were like when you were that age?

How did you decide on your answers to these questions?

(IF YES TO ANY) Did this last for 6 months or longer?

Please go ahead and circle your answers as I read these next questions.

MH4. Did you ever have a period lasting six months or longer when you often did things that got you in trouble with adults such as:

	<u>YES</u>	<u>NO</u>
a. losing your temper, arguing?.....	1	2
b. talking back to adults.....	1	2
c. refusing to do what your teachers or parents asked you to do	1	2
d. annoying people on purpose	1	2
e. being grouchy or irritable	1	2

How easy or difficult was it for you to answer these questions?

What time in your life were you thinking about when you answered these?

How did you decide on your answers to these questions?

(IF YES TO ANY) Did this last for 6 months or longer?

(IF YES TO ANY) Did you actually get into trouble with adults when you did this?

Please go ahead and circle your answers as I read these next questions.

MH22. Before you came to this facility, did a professional ever tell you have..

	<u>YES</u>	<u>NO</u>
a. Depression?.....	1	2
b. Post-traumatic stress disorder or PTSD?	1	2
c. Another anxiety disorder, such panic disorder, obsessive compulsive disorder (OCD), or social anxiety?	1	2
d. A mental or emotional condition other than those listed above?	1	2

This set of questions asks about whether “a professional” ever told you any of the following. What do you think is meant by “a professional”?

What do you think item b is asking about?

What do you think item c is asking about?

What would make someone say yes to item d?

SECTION 7: Youth Incident Details

These next questions will be used to get more information about sexual contact that happened between youth at this facility. Again, I do not want to know about your own experiences. I just want you to tell me what the questions might mean to someone in the facility, so please do not circle an answer for these.

[DO NOT HAVE RESPONDENT CIRCLE ANSWERS FOR SECTION 6]

5. Where was the other youth living at the time?

- In the same room as you 1
- In the same housing area as you, but not in the same room..... 2
- In a different housing area than you 3

How easy or hard would it be to answer this question? What does the term “housing area” mean in this question?

6. How well did you know the other youth at the time?

- By sight only 1
- A casual acquaintance..... 2
- Well known..... 3

How easy or hard would it be to answer this question?

This question asks about “a casual acquaintance” – what do you think that means?

13. In the days after this happened, how did you feel about what happened? (NEW)

- Extremely upset..... 1
- Quite upset..... 2
- A little upset..... 3
- Not upset at all..... 4
- Glad it happened 5

How easy or hard would it be to answer this question?

In your mind, what’s the difference between being “quite upset” about something and “a little upset”? What about the difference between “extremely upset” and “quite upset”?

For this next set of questions, I’d like you to imagine that you had answered that you were upset about the sexual contact that had happened with another youth in this facility. Again, do not actually answer the questions, just tell me your reactions to them.

14. (IF Q13=1, 2 or 3) Did you feel any of the following ways after this happened? (NEW)

	YES	NO
a. Worried or anxious?.....	1	2
b. Angry?	1	2
c. Sad or depressed?	1	2
d. Vulnerable?	1	2
e. Violated?	1	2
f. Like you couldn't trust people?	1	2
g. Fearful?	1	2

Do you have any overall comments on these questions first?

Are any of these categories unfamiliar to you or unclear?

[If YES]: Which one is that?

Looking at item d, what does the word “vulnerable” mean?

Looking at item e, What about the word “violated?”

For this next set of questions, I'd like you to imagine that you had answered that you were not upset or that you were actually glad about the sexual contact that had happened with another youth in this facility. Again, do not actually answer the questions, just tell me your reactions to them.

15. (IF Q13=4 or 5) Did you feel any of the following ways after this happened? (NEW)

	<u>YES</u>	<u>NO</u>
a. Like the other youth really cared about you.....	1	2
b. Like you really cared about the other youth	1	2
c. Like you had gotten what you wanted	1	2
d. Like you would get something from the other youth in return	1	2
e. Like you were in control	1	2
f. Like you wanted it to happen again.....	1	2

Do you have any overall comments on these questions first?

Looking at item c, can you think of an example where someone might say yes to this, meaning they felt like they had “gotten what they wanted”?

Looking at item d, what do you think this one is asking about?

Looking at item e, what do you think this one is asking about? (Interviewer: Listen for comments about being in control of oneself vs. controlling the other person)

Let's keep thinking about what these next questions might mean to someone in the facility. Again, please do not circle an answer for these.

16. Have your feelings changed since the incident happened? (NEW)

- Yes 1
- No 2

How easy or difficult do you think it might be for someone to answer this question? (Explain.)

For this next question, please imagine that someone said their feelings had changed since the incident happened. Again, do not circle an answer to this question – we will just talk about it.

17. (IF Q16=1) Thinking about it now, how do you feel about what happened? (NEW)

- Extremely upset..... 1
- Quite upset..... 2
- A little upset..... 3
- Not upset at all..... 4
- Glad it happened 5

How easy or difficult do you think it might be for someone to answer this question? (Explain.)

Any other comments on this set of questions before we move on?

SECTION 8: Disability Questions (IF TIME PERMITS)

Now I'd like to shift gears and show you some other questions being considered for this survey. For these, I don't want you to actually answer the questions. Instead, I will read each question aloud while you look at them and then we'll talk about them.

[ASK EACH QUESTION THEN ADMINISTER PROBES BEFORE MOVING ON]

DI1. Because of a physical, mental or emotional problem, do you have serious difficulty concentrating, remembering, or making decisions?

Yes 1
No 2

What do you think this question is asking about?

What type of condition might make someone say yes to this question?

For the next 2 questions, imagine someone had said yes to the question we just talked about – “Because of a physical, mental, or emotional problem, do you have serious difficulty concentrating, remembering, or making decisions?” The follow-up questions are:

DI2. Is the difficulty you experience because of a physical problem?

Yes 1
No 2

What types of physical problems do you think this might be asking about?

DI3. Is the difficulty you experience because of a mental or emotional problem?

Yes 1
No 2

What types of mental or emotional problems do you think this might be asking about?

SECTION 9: Sexual Orientation and Gender Identity (IF TIME PERMITS)

The final set of questions asks about gender and sexual orientation. After I've finished reading the question, you can go ahead and circle your answer.

[ASK ALL QUESTIONS BEFORE ADMINISTERING PROBES]

GI1. What sex were you assigned at birth, on your original birth certificate?

Male 1
Female..... 2

What do you think this question is asking?

(IF NEEDED) What do you think about the phrase “sex you were assigned at birth?” What do you think that means?

Tell me what you know about your birth certificate.

Have you seen your birth certificate?

Do you know what kinds of information are included on your birth certificate?

GI2. Do you currently describe yourself as male, female or transgender?

- Male 1
- Female..... 2
- Transgender 3
- None of these 4
- Not sure..... 5

Have you ever heard the word “transgender?” What do you think it means?

Can you think of a situation where someone would circle “None of these” or “Not sure?”

[MALE RESPONDENTS ONLY]

GI3. Do you consider yourself...? (Males)

- Gay..... 1
- Straight, that is, not gay 2
- Bisexual 3
- Something else..... 4
- Not sure..... 5

[If R answered anything but straight]: How did you decide on your answer?

[If R answered straight]: What do you think this question is asking?

Do you find any of these answers confusing or unclear?

[If YES]: Which answer was that? Why do you think it was confusing/unclear?

[FEMALE RESPONDENTS ONLY]

GI3. Do you consider yourself ? (Females)

- Lesbian or gay..... 1
- Straight, that is, not lesbian or gay 2
- Bisexual 3
- Something else..... 4
- Not sure..... 5

[If R answered anything but straight]: How did you decide on your answer?

[If R answered straight]: What do you think this question is asking?

Do you find any of these categories confusing or unclear?

[If YES]: Which answer was that? Why do you think it was confusing/unclear?

GI4. People are different in their sexual attraction to other people. Which best describes your feelings?

- Only attracted to males 1
- Mostly attracted to males 2
- Equally attracted to females and males..... 3
- Mostly attracted to females 4
- Only attracted to females 5
- Not sure 6

**Tell me more about your answer to this question.
What do think this question is asking?**

Any other comments on this set of questions before we move on?

Closing

Those are all the questions I have for you.

Thank you for your time.

**National Survey of Youth in Custody (NSYC-3)
Cognitive Interview Guide
Version 2**

Hello. My name is () and I work for Westat, a research firm outside of Washington, DC. We are working with the U.S. Department of Justice on a special study called the National Survey of Youth in Custody. Today I would like to show you some of the questions we are considering for the study and get your reactions to them. Let's start by going over some details about the study.

HAND COPY OF ASSENT FORM TO R AND READ FORM ALOUD

ANSWER PARTICIPANT'S QUESTIONS, IF ANY. IF THE YOUTH UNDERSTANDS THE ASSENT CONCEPTS, ASK FOR ASSENT.

Are you willing to participate in this study?

IF R SAYS "YES", INTERVIEWER SIGN AND DATE THE YOUTH ASSENT FORM AND PROVIDE A COPY FOR THE RESPONDENT. IF THE R SAYS "NO", THANK THEM AND END THE INTERVIEW.

Thank you.

Now I'm going to hand you the questions a few at a time. I will read them aloud while you look at them. After I've finished reading the question, you can circle your answer. Sometimes, there will be some questions that I ask you NOT to answer, but just to look at and think about. For those, I'll let you know before I show them to you.

After you answer each question, we will stop to talk about it. I might ask you to tell me what you were thinking about when you answered the question, what the question was asking, or anything else you might think about the question. This will help us figure out how we can improve the questions.

Sometimes, I'll ask you about some of the words in the question. If you don't understand a question, please tell me, because that's just the sort of thing I'm trying to find out here, OK?

Do you have any questions before we begin?

SECTION 1: Legal Counsel & Institutional Experiences

Here is the first question. I'm going to read it aloud. Please circle your answer and then we'll talk about the question and the answer you gave.

AE0080. Who was responsible for taking care of you when you were growing up? You may choose more than one answer. (SYRP)

- Your mother or step-mother 1
- Your father or step-father 2
- Your grandparents..... 3
- Foster parent 4
- A sister or brother 5
- Other relative 6
- Friend 7
- Group home 8
- Other 9

How easy or hard was it to answer this question? (Explain)

What do you think of these response choices? Are there any categories that should be added?

What do you think this means by “when you were growing up”? From what age to what age do you think this covers?

What if someone grew up in different households as a child? How would that person answer this?

Now let's go on to the next questions. Again, I will read them out loud and you should circle your answers.

LC1. Do you have a lawyer or legal counsel?

Yes 1
No 2

LC2. Since you came to this facility, have you asked to see, call, or write to (your/a) lawyer or legal counsel?

Yes 1
No 2

LC3. Since you have been here, have you been allowed to see, call, or write to (your/a) lawyer or legal counsel?

Yes 1
No 2

What is the 2nd question asking?

How about the 3rd question?

Did you have any difficulty answering these questions? (Explain)

SECTION 2: Solitary Confinement

Now let’s go on to the next questions. Again, I will read them out loud and you should circle your answers.

SC1. Since coming to this facility have you ever been confined in a separate room, other than your own room, without contact with other youth?

Yes 1
No 2

[IF YES]: Can you tell me more about your answer?

[IF NO]: What is this question asking?

[ALL]:

When you read “confined in a separate room”, what did you think of?

What does “without contact with other youth” mean to you?

When/If this happens at this facility, is there a special word or phrase you use to describe it?

[If R answered YES to SC1, continue with the question and answer format]

[If R answered NO to SC1]: Even though you answered No to this question, I would still like to talk about the next few questions about this topic. Please do not circle an answer or tell me your answer. I’m going to read this whole list and then I’ll just ask you how you interpreted some of the items.

SC2. What was the reason you were confined in a separate room, other than your own room, without contact with other youth?

	<u>Yes</u>	<u>No</u>
a. You were accused of or punished for breaking the rules.....	1	2
b. You were waiting to be moved to another unit or facility.....	1	2
c. You were sick or another medical reason.....	1	2
d. To protect you from harming yourself	1	2
e. To protect you from being harmed by others	1	2

[If R answered the question]: Tell me more your answers to these items...

[If R answered no to all]: Do you know what the reasons was for being confined to a separate room? Is there some other reason that is missing from this list?

[ASK ALL]:

Do any of these items (a - e) seem confusing or unclear to you?

Can you think of any other reasons why someone might be confined in a separate room without contact with other youth?

[If Yes] Can you tell me more about that?

[CONTINUE BY HAVING R ANSWER THE QUESTION IF SC1=YES, OR BY ONLY REVIEWING THE QUESTION IF SC1=NO]:

SC4. Since coming to this facility, what was the longest time you were confined in a separate room, other than your own room, without contact with other youth?

- Less than 3 hours 1
- 3 hours but less than 6 hours..... 2
- 6 hours but less than 1 day..... 3
- 1 day but less than 1 week 4
- 1 week or more 5

[If R answered the question]: How did you decide on your answer?

[ASK ALL]:

What do you think this question is asking?

Were any of these answer choices confusing or unclear?

[If YES]: Which option was that and what made it confusing?

Here is the next question. Please answer it after I've read it to you.

SC5. Since coming to this facility, have you been confined to your room for breaking facility rules?

- Yes 1
- No 2

[IF YES]: Can you tell me more about your answer?

[IF NO]: What does this question mean to you?

[ASK ALL]:

What does being “confined to your room” mean in this question?

How is this different than being placed in a separate locked room?

[If YES:] Can you tell me how they are different?

[If R answered YES to SC5, continue with the question and answer format.]

[If R answered NO to SC5]: You answered No to being confined to your room but I would still like to show you some other questions we would ask about this topic. Do not circle your answers for these next few questions. We will just talk about what they mean to you.

[AFTER R HAS ANSWERED SC6, SC7, ASK PROBES]

SC7. Since coming to this facility, what was the longest time you have been confined to your own room for breaking facility rules?

- Less than 3 hours 1
- 3 hours but less than 6 hours..... 2
- 6 hours but less than 1 day..... 3
- 1 day but less than 1 week 4
- 1 week or more 5

[If R answered the question]: Can you tell me more about your answer?

[IF NOT ANSWERED]: What does this question mean?

[ASK ALL]:

Do you have any other comments about these two questions that we haven't already talked about?

SECTION 3: Youth Gang Involvement

Here is the next question. Please circle an answer after I've read it to you.

GA3. Are you a member of a gang in this facility?

Yes 1
No 2

[IF YES]: Can you tell me more about your answer?

[IF NO]: What do you think this question is asking about?

[ASK ALL]:

What comes to mind when you hear “a gang in this facility?”

Are you thinking just about gangs in this facility, or are you also thinking about gangs outside of this facility?

[If R answered YES, continue with question and answer format]

[If R answered NO to being in a gang (GA3)]: Even though you answered No to being in a gang, I would still like to show you this next question. You do not have to answer it. We can just talk about it and you can tell me what you think. Ok?

GA4. When did you join this gang?

Since I got here 1
Before I got here 2

**[If R answered the question]: Tell me more about your answer.
How easy or hard was it to answer this question?**

[If R did not answer the question]: What do you think this question is asking?

Now I'm going to hand you the next questions. After I've read the questions, go ahead and circle your answers and then we'll talk about them.

[AFTER R HAS ANSWERED GA7 AND GA8, ASK PROBES]

GA7. Has a gang in this facility ever tried to recruit you?

Yes 1
No 2

[IF YES]: What were you thinking when you came up with your answer?

[IF NO]: Can you give me an example of a situation where someone might answer yes to this question?

[ASK ALL]:

What does it mean when a gang “tries to recruit you?”
Can you give me an example?

GA8. Have you ever had to do or pay something to have gangs leave you alone?

Yes 1
No 2

[IF YES]: Tell me more about your answer.

[IF NO]: What do you think this question is asking about?
Could you give me an example of a situation where this might happen?

SECTION 4: Treatment Programs and Services

This next question will be used to get more information about youth drug use. I do not want you to answer the question about yourself, I just want you to get your feedback on how the questions are written. So please do not circle an answer for these.

[DO NOT HAVE RESPONDENT CIRCLE ANSWERS FOR SECTION 4]

C1. The next questions are about drugs you may have taken on your own – that is, without a doctor telling you to take them.

Have you ever used...

	<u>YES</u>	<u>NO</u>
n. Synthetic drugs (such as synthetic marijuana, K2, Spice, fake weed, King Kong, Yucatan Fire, Skunk, bath salts).....	1	2
o. Cough syrup to get high.....	1	2

Are there any categories missing for examples of synthetic drugs that you know about?

If a doctor told someone to take cough syrup, how would that person answer item o?

SECTION 5: Staff Incident Details

These next questions will be used to get more information about any sexual contact that may have happened between youth and staff at this facility. I don't want you to answer these questions about yourself. I just want you to tell me what the words might mean if a youth did have sexual contact with a staff member and was being asked these questions about their experience. So please do not circle an answer for these.

[DO NOT HAVE RESPONDENT CIRCLE ANSWERS FOR SECTION 5]

3a. Still thinking just about this time that you had sexual contact with a staff member, was the staff member who you had sexual contact with...

- A staff member who directly supervises youth/correctional officer..... 1
- A teacher or educator..... 2
- Medical or mental health staff 3
- Other staff working in the facility..... 4
- A volunteer in the facility 5

Let's look at the answer choices for this question...

Do any of these seem confusing or unclear?

[If YES]: Which one is that? What makes it confusing/unclear?

Can you think of any other types of staff members that we may have missed who are at this facility?

Here is the next question. Again, do not answer the question, just listen.

7. Still thinking just about this time that you had sexual contact with a staff member, was there anyone who knew what was happening?

- Yes, other youth..... 1
- Yes, other staff..... 2
- Yes, both youth and staff 3
- No 4

What do you think this question is asking about?

What do you think of when you hear “anyone who knew what was happening?”

Here is the next question. Again, do not answer the question, just listen and think about it.

8. What were these other youth doing at the time?

- They were helping make it happen 1
- They were trying to stop it from happening..... 2
- They knew it was happening, but did nothing 3

Let’s look at just the answer choices for this question...

What do you think these categories mean? (GO THROUGH EACH ONE)

[IF NEEDED] Were any of them confusing or unclear?

[If YES]: Which one is that? What makes it confusing/unclear?

Here are the next questions. Again, do not answer the questions, just listen and think about them.

11. Did (this staff person/any of those staff persons) do any of the following AFTER this happened?

	<u>Yes</u>	<u>No</u>
a. Gave you gifts or money so that you would keep it a secret	1	2
b. Threatened to hurt you so that you would keep it a secret.....	1	2
c. Said he/she would blame it on you if you told anyone	1	2
d. Said he/she would stop spending time with you if you told anyone.....	1	2
e. Had sexual contact with you again.....	1	2
f. Ignored you or stayed away from you.....	1	2
g. No change – the staff person treated me the same as before.....	1	2

Do you have any overall comments on these questions first?

Do any of these categories seem confusing or unclear?

[If YES]: Which one is that? What makes it confusing/unclear?

Looking at item b, what does it mean to “threaten to hurt someone”? Can you give an example?

Looking at item c, what does “blame it on you” mean to you?

Here are the next questions. Again, do not answer the questions, just listen and think about them.

12. In the days after this happened, how did you feel about what happened? (NEW)

Extremely upset	1
Quite upset	2
A little upset	3
Not upset at all	4
Glad it happened	5

How easy or hard would it be to answer this question?

In your mind, what’s the difference between being “quite upset” about something and “a little upset”? What about the difference between “extremely upset” and “quite upset”?

For this next set of questions, I’d like you to imagine that you had answered that you were upset about the sexual contact that had happened with a staff member in this facility. Again, do not actually answer the questions, just tell me your reactions to them.

13. (IF Q12=1, 2 or 3) Did you feel any of the following ways after this happened?

	YES	NO
a. Worried or anxious?	1	2
b. Angry?	1	2
c. Sad or depressed?	1	2
d. Vulnerable?	1	2
e. Violated?	1	2
f. Like you couldn’t trust people?	1	2
g. Fearful?	1	2

Do you have any overall comments on these questions first?

Are any of these categories unfamiliar to you or unclear?

[If YES]: Which one is that?

Looking at item d, what does the word “vulnerable” mean?

Looking at item e, What about the word “violated?”

For this next set of questions, I’d like you to imagine that you had answered that you were not upset or that you were actually glad about the sexual contact that had happened with a staff member in this facility. Again, do not actually answer the questions, just tell me your reactions to them.

14. (IF Q12=4 or 5) Did you feel any of the following ways after this happened? (NEW)

	<u>YES</u>	<u>NO</u>	/
a. Like the staff member really cared about you	1	2	
b. Like you really cared about the staff member	1	2	
c. Like you had gotten what you wanted	1	2	
d. Like you would get something from the staff member in return	1	2	
e. Like you were in control	1	2	
f. Like you wanted it to happen again	1	2	

Do you have any overall comments on these questions first?

Looking at item c, can you think of an example where someone might say yes to this, meaning they felt like they had “gotten what they wanted”?

Looking at item d, what do you think this one is asking about?

Looking at item e, what do you think this one is asking about? (Interviewer: Listen for comments about being in control of oneself vs. controlling the other person)

Let’s keep thinking about what these next questions might mean to someone in the facility. Again, please do not circle an answer for these.

15. Have your feelings changed since the incident happened? (NEW)

Yes 1
No..... 2

How easy or difficult do you think it might be for someone to answer this question? (Explain.)

For this next question, please imagine that someone said their feelings had changed since the incident happened. Again, do not circle an answer to this question – we will just talk about it.

16. (IF Q15=1) Thinking about it now, how do you feel about what happened? (NEW)

Extremely upset..... 1
Quite upset..... 2
A little upset..... 3
Not upset at all..... 4
Glad it happened 5

How easy or difficult do you think it might be for someone to answer this question? (Explain.)

SECTION 6: History of Victimization

Please read these next three questions, but do not circle an answer to them – we will just talk about them.

HV7. Before you came to this place, had anyone ever forced you to have any kind of sexual contact? (NSYC-2)

Yes 1
No 2

HV8. Did any of this happen while you were in a corrections facility? (NSYC-2 modified)

Yes 1
No 2

HV9. Did any of this happen while you were being arrested or detained by a law enforcement officer?

Yes 1
No 2

What do you think the 3rd question is asking about?

What do you think is meant by “a law enforcement officer”? While you’re being arrested or detained, what are the different types of law enforcement officers you might be in contact with?

What would make someone say yes to this 3rd question?

Section 7: Treatment Programs and Services (IF TIME PERMITS)

Now you can go back to giving an answer to the questions and circle your answer.

TP2. Since coming to this facility, have you received counseling for drug or alcohol problems?

Yes 1
No 2

[IF YES]: Tell me about your answer to this question.

[IF NO]: What comes to mind when you hear the word “counseling?”

[If R answered YES to TP2, continue with the question and answer format.]

[If R answered NO to TP2]: Even though you answered No to that question, I would still like to talk about the next few questions about this topic. Please do not circle an answer or tell me your answer. I’m going to read this whole list and then I’ll just ask you how you interpreted some of the items.

TP3. When you received counseling for your drug or alcohol problems, what kind of counseling was it?

	<u>Yes</u>	<u>No</u>
a. Just you and the counselor	1	2
b. Yourself and other youths with a counselor	1	2
c. Yourself and your family with a counselor	1	2
d. Other	1	2

[If R answered the question]: How easy or hard was it to answer this question?

[IF HARD]: What made it hard?

[If R did NOT answer the question]: Do any of these categories (a to d) seem confusing or unclear?

[If YES]: Which one? What about it made it confusing/unclear?

Any other comments on this question?

Here is the next question.

TP4. How helpful was the counseling for your drug or alcohol problems?

- Very helpful 1
- Somewhat helpful 2
- Not very helpful 3

[If R answered the question]: Tell me about your answer to this question...

[If R did NOT answer the question]: What do you think this question is asking about?

Here is the next question. **[IF NEEDED:]** You can go ahead and answer this one.

TP5. Since coming to this facility, have you received counseling to help you deal with any of your feelings and emotions?

- Yes 1
- No 2

[IF YES]: Tell me about your answer.

[IF NO]: Can you give me an example of a situation where someone might answer yes to this question?

[If R answered YES to TP5, continue with question and answer format.]

[If R answered NO to TP5]: You answered No to that question but I would still like to talk about the next few questions about this topic. Please do not circle an answer or tell me your answer. I'm going to read this whole list and then I'll just ask you how you interpreted some of the items.

TP6. When you received counseling about your feelings and emotions, what kind of counseling was it?

	<u>Yes</u>	<u>No</u>
a. Just you and the counselor	1	2
b. Yourself and other youths with a counselor	1	2
c. Yourself and your family with a counselor	1	2
d. Other	1	2

[If R answered the question]: How easy or hard was it to answer these questions?

[IF HARD]: What made it hard?

[If R did not answer the question]: Do you have any comments or feedback about this question?

TP7. Since coming to this facility, how often did you receive counseling about your feelings and emotions?

- Never..... 1
- Less than once a month..... 2
- About once a month..... 3
- A few times each month 4
- Once a week..... 5
- Twice a week 6
- Three or more times a week..... 7
- Other 8

[If R answered the question]: How did you come up with your answer to this question?

[If R answered the question]: How easy or hard was it to answer this question?

[IF HARD]: What made it hard?

[If R did not answer the question]: Let's look at the answer choices...

Is there anything confusing or unclear about these options?

[If YES]: Which one? What made it confusing?

SECTION 8: Sexual Orientation and Gender Identity (IF TIME PERMITS)

The final set of questions asks about gender and sexual orientation. After I've finished reading each question, you can circle your answer.

[ASK ALL QUESTIONS BEFORE ADMINISTERING PROBES]

GI1. What sex were you assigned at birth, on your original birth certificate?

- Male 1
- Female..... 2

What do you think this question is asking?

[IF NEEDED] What do you think we mean by “sex you were assigned at birth?”

The question asks about your original birth certificate. Tell me, what do you know about your birth certificate?

[IF NEEDED] Have you seen your birth certificate?

[IF NEEDED] Do you know what kinds of information are included on your birth certificate?

GI2. Do you currently describe yourself as male, female or transgender?

- Male 1
- Female..... 2
- Transgender 3
- None of these 4
- Not sure..... 5

[IF NOT MALE OR FEMALE] Tell me more about your answer to this question.

Have you ever heard the word “transgender?” What do you think it means?

Can you think of a situation where someone might circle “None of these” or “Not sure”?

[MALE RESPONDENTS ONLY]

GI3. Do you consider yourself...

- Gay..... 1
- Straight, that is, not gay 2
- Bisexual 3
- Something else..... 4
- Not sure..... 5

[If R answered anything but straight]: How did you decide on your answer?

[If R answered straight]: What do you think this question is asking?

Do you find any of these answers confusing or unclear?

[If YES]: Which answer was that? Why do you think it was confusing/unclear?

[FEMALE RESPONDENTS ONLY]

GI3. Do you consider yourself...

- Lesbian or gay..... 1
- Straight, that is, not lesbian or gay 2
- Bisexual 3
- Something else..... 4
- Not sure..... 5

[If R answered anything but straight]: How did you decide on your answer?

[If R answered straight]: What do you think this question is asking?

Do you find any of these answers confusing or unclear?

[If YES]: Which answer was that? Why do you think it was confusing/unclear?

GI4. People are different in their sexual attraction to other people. Which best describes your feelings?

- Only attracted to males 1
- Mostly attracted to males..... 2
- Equally attracted to females and males..... 3
- Mostly attracted to females..... 4
- Only attracted to females 5
- Not sure..... 6

Tell me more about your answers to these questions.

What do think these questions are asking?

What do the words “romantically attracted to” mean to you?

Closing

Those are all the questions I have for you.

DISCUSS ANY RESPONDENT COMMENTS.

Thank you for your time.

**National Survey of Youth in Custody (NSYC-3)
Cognitive Interview Guide
SOGI Questions**

INTRODUCTION AND INFORMED CONSENT

IF YOUTH IS UNDER THE AGE OF 18, OBTAIN PARENTAL CONSENT PRIOR TO REVIEWING YOUTH ASSENT BELOW.

Hello. Thank you for taking the time to help us out today. My name is () and I will be conducting the interview with you today. Today I would like to show you some of the questions we are considering for a national study of youth and would like to get your reactions to them. Let's start by going over some details about the study.

READ ASSENT OR CONSENT FORM ALOUD

Do you have any questions?

ANSWER PARTICIPANT'S QUESTIONS, IF ANY.

IF THE PARTICIPANT IS OVER THE AGE OF 18, HAVE THEM SIGN AND DATE THE CONSENT FORM.

IF THE YOUTH IS UNDER THE AGE OF 18 AND UNDERSTANDS THE ASSENT CONCEPTS, ASK FOR ASSENT.

Are you willing to participate in this study?

IF R SAYS "YES", INTERVIEWER SIGN AND DATE THE YOUTH ASSENT FORM. IF THE R SAYS "NO", THANK THEM AND END THE INTERVIEW.

TURN ON RECORDER. The date and time is _____. Now that the recorder is running, let me ask again, is it okay with you if we record this interview?

Now I'm going to hand you the questions. I will read them aloud while you look at them. After I've finished reading the question, you can circle your answer.

After you are finished answering the questions, we will stop to talk about them. I might ask you to tell me what you were thinking about the question, what the question was asking, or anything else you might think about the question. This will help us figure out how we can improve the questions.

Sometimes, I'll ask you about some of the words in the question. If you don't understand a question I ask, please tell me, because that's just the sort of thing I'm trying to find out here, OK?

[ASK ALL QUESTIONS GI1-GI5 BEFORE ADMINISTERING PROBES]

GI1. What sex were you assigned at birth, on your original birth certificate?

- Male..... 1
- Female..... 2

What do you think this question is asking?

What do you think we mean by “sex you were assigned at birth?”

Tell me what you know about your birth certificate.

Have you seen your birth certificate?

Do you know what kinds of information are included on your birth certificate?

GI2. Do you currently describe yourself as male, female or transgender?

- Male..... 1
- Female..... 2
- Transgender..... 3
- None of these..... 4
- Not sure..... 5

Tell me more about your answer.

Have you ever heard the word “transgender?” What do you think it means?

Can you think of a situation where someone would circle “None of these” or “Not sure?”

[MALE RESPONDENTS ONLY]

GI3. Do you consider yourself...

- Gay..... 1
- Straight, that is, not gay..... 2
- Bisexual..... 3
- Something else..... 4
- Not sure..... 5

[If R answered anything but straight]: How did you decide on your answer?

[If R answered straight]: What do you think this question is asking?

Do you find any of these answers confusing or unclear?

[If YES]: Which answer was that? Why do you think it was confusing/unclear?

[FEMALE RESPONDENTS ONLY]

GI3. Do you consider yourself...

- Lesbian or gay..... 1
- Straight, that is, not lesbian or gay 2
- Bisexual 3
- Something else..... 4
- Not sure..... 5

[If R answered anything but straight]: How did you decide on your answer?

[If R answered straight]: What do you think this question is asking?

Do you find any of these answers confusing or unclear?

[If YES]: Which answer was that? Why do you think it was confusing/unclear?

GI4. People are different in their sexual attraction to other people. Which best describes your feelings?

- Only attracted to males 1
- Mostly attracted to males 2
- Equally attracted to females and males..... 3
- Mostly attracted to females 4
- Only attracted to females 5
- Not sure..... 6

Tell me more about your answer to this question.

What do think this question is asking?

Any other comments on this set of questions before we move on?

[IF RESPONDENT IS NOT LGBT BUT HAS FAMILY MEMBER OR FRIENDS WHO ARE LGBT, CONTINUE. OTHERWISE, SKIP TO DISABILITY QUESTIONS]

When we recruited you for this interview, you indicated that you have a close family member or a close friend who is lesbian, gay, bisexual or transgender. Now I'd like to go back through these questions, and have you think about how this person might answer these questions.

GI1. What sex were you assigned at birth, on your original birth certificate?

- Male 1
- Female..... 2

How do you think your [family member/friend] would answer this question about themselves?

Do you think they would have any difficulty answering this? [IF YES] Explain.

GI2. Do you currently describe yourself as male, female or transgender?

- Male 1
- Female..... 2
- Transgender 3
- None of these 4
- Not sure..... 5

How do you think your [family member/friend] would answer this question about themselves?

[IF TRANSGENDER] Does your [family member/friend] use “transgender” to describe himself or herself?

[IF NO]: Is there any other word or phrase that they use?

GI3. Do you consider yourself...

- Gay 1
- Straight, that is, not gay 2
- Bisexual 3
- Something else 4
- Not sure..... 5

GI3. Do you consider yourself...

- Lesbian or gay 1
- Straight, that is, not lesbian or gay 2
- Bisexual 3
- Something else 4
- Not sure..... 5

How do you think your [family member/friend] would answer this question about themselves?

Does your [family member/friend] use any of these words to describe him or herself?

[IF NO]: Is there any other word or phrase that they use?

GI4. People are different in their sexual attraction to other people. Which best describes your feelings?

- Only attracted to males 1
- Mostly attracted to males 2
- Equally attracted to females and males..... 3
- Mostly attracted to females..... 4

Only attracted to females 5
Not sure..... 6

[If R has family/friend that is LGBT]: How do you think your [family member/friend] would answer this question about themselves?

Do you think they would have any difficulty answering this? **[IF YES]** Explain.

Disability Questions

Now I'd like to shift gears and show you some other questions being considered for this survey. For these, I don't want you to actually answer the questions. Instead, I will read each question aloud while you look at them and then we'll talk about them.

[ASK EACH QUESTION THEN ADMINISTER PROBES BEFORE MOVING ON]

DI1. Because of a physical, mental or emotional problem, do you have serious difficulty concentrating, remembering, or making decisions?

Yes 1
No 2

What do you think this question is asking about?

What type of condition might make someone say yes to this question?

For the next 2 questions, imagine someone had said yes to the question we just talked about – “Because of a physical, mental, or emotional problem, do you have serious difficulty concentrating, remembering, or making decisions?” The follow-up questions are:

DI2. Is the difficulty you experience because of a physical problem?

Yes 1
No 2

What types of physical problems do you think this might be asking about?

DI3. Is the difficulty you experience because of a mental or emotional problem?

Yes 1
No 2

What types of mental or emotional problems do you think this might be asking about?

Closing

Those are all the questions I have for you.

Thank you for your time.

NSYC-3

Version 1 Items for Cognitive Testing

SECTION 1:

Please answer the following questions about this facility.

	<u>Yes</u>	<u>No</u>
FL5. The temperature usually feels ok here--it isn't too hot or too cold.	1	2
FL6. Room lights are turned off at night when youth are sleeping.	1	2
FL7. The facility is noisy at night when youth are sleeping.	1	2
FL8. I am allowed to take a shower every day... ..	1	2
FL9. I feel like I have enough privacy here from staff and other youth.	1	2
F10. I am allowed to decorate where I sleep to make it feel like I have my own personal space.	1	2
F11. I am allowed to wear my hair the way I want	1	2
F12. I am allowed to talk to other youth during meal time.	1	2
F13. The staff here set up celebrations for holidays and youths' birthdays.	1	2

SECTION 2

ST1. How many staff explain facility rules clearly?

- None of the staff 1
- Few of the staff 2
- Most of the staff 3
- All of the staff 4

ST2. How many staff use force when they don't really need to?

- None of the staff 1
- Few of the staff 2
- Most of the staff 3
- All of the staff 4

ST3. How many staff give fair punishments?

- None of the staff 1
- Few of the staff 2
- Most of the staff 3
- All of the staff 4

ST4. Are staff disrespectful?

- Yes 1
- No 2

ST5. Do staff give youth the chance to tell their side before making decisions?

- Yes 1
- No 2

ST6. Do staff act honestly?

- Yes 1
- No 2

SECTION 3:

MV12. [Since coming to this facility OR In the past 12 months] Have you been written up or charged for breaking facility rules such as talking back to staff, being out of place, or not following directions?

Yes 1
No 2

SECTION 4:

EP1. After you got to this facility (this time), when did you first learn that all forms of sexual abuse and harassment are not allowed?

- Within the first 24 hours after you got here (this time) 1
- Between 1 and 10 days after you got here (this time)..... 2
- More than 10 days after you got here (this time)..... 3
- I was never told that all forms of sexual abuse and harassment are not allowed 4
-

EP4. How were you given information about these rules?

	<u>Yes</u>	<u>No</u>
a. Facility staff	1	2
b. Posters/signs.....	1	2
c. Brochure/flier/pamphlet/handout	1	2
d. Handbook.....	1	2
e. Video	1	2
f. Telephone system.....	1	2

EP5. Do you think youth in this facility would feel safe reporting any sexual abuse to staff?

- Yes 1
- No..... 2

SECTION 5: PLEASE DO NOT CIRCLE ANY RESPONSES ON THIS PAGE

GRpre4. Since you got here, has any staff member offered you extra privileges at the canteen or commissary including food, personal items, clothing, or other items?

Yes 1
No 2

GR7. Since you got here, has any staff member ever spent time alone with you and asked you not to tell anyone?

Yes 1
No 2

GR8. Since you got here, has any staff member ever shared that they felt emotionally close to you or that they had special feelings for you?

Yes 1
No 2

GR9. Since you got here, has any staff member talked to you about sex in a way that was not part of their regular job duties, joked with you about sex, or shared sexual stories with you?

Yes 1
No 2

SECTION 6:

MH1. In the past 30 days, how often did you have each of the following experiences:

	All of the <u>time</u>	Most of the <u>time</u>	Some of the <u>time</u>	A little of the <u>time</u>	None of the <u>time</u>
a. How often did you feel nervous?	1	2	3	4	5
b. How often did you feel hopeless?	1	2	3	4	5
c. How often did you feel restless or fidgety? ..	1	2	3	4	5
d. How often did you feel so depressed that nothing could cheer you up?	1	2	3	4	5
e. How often did you feel that everything was an effort?	1	2	3	4	5
f. How often did you feel worthless?.....	1	2	3	4	5
		<u>More often</u>	<u>Less often</u>	<u>About the same</u>	<u>Never had any</u>
g. We just reviewed a number of negative feelings and experiences during the past 30 days. Taking them altogether, did these feelings occur <u>more often</u> in the past 30 days than is usual for you, <u>less often</u> than usual, or <u>about the same</u> as usual?		1	2	3	4

MH2. During your first years at school—say between the ages of kindergarten and second grade—was there ever a period lasting six months or longer when you:

- a. Lost interest very quickly in games or work
 - YES..... 1
 - NO 2
- b. Had trouble finishing what you started without being distracted
 - YES..... 1
 - NO 2
- c. Were not listening when people spoke to you.
 - YES..... 1
 - NO 2

MH4. Did you ever have a period lasting six months or longer when you often did things that got you in trouble with adults such as:

	<u>YES</u>	<u>NO</u>
a. losing your temper, arguing?.....	1	2
b. talking back to adults.....	1	2
c. refusing to do what your teachers or parents asked you to do	1	2
d. annoying people on purpose	1	2
e. being grouchy or irritable	1	2

MH22. Before you came to this facility, did a professional ever tell you have..

	<u>YES</u>	<u>NO</u>
a. Depression?.....	1	2
b. Post-traumatic stress disorder or PTSD?	1	2
c. Another anxiety disorder, such panic disorder, obsessive compulsive disorder (OCD), or social anxiety?	1	2
d. A mental or emotional condition other than those listed above?	1	2

SECTION 7: PLEASE DO NOT CIRCLE ANY RESPONSES ON THIS PAGE

4. Where was the other youth living at the time?

- In the same room as you 1
- In the same housing area as you, but not in the same room..... 2
- In a different housing area than you 3

5. How well did you know the other youth at the time?

- By sight only 1
- A casual acquaintance..... 2
- Well known..... 3

13. In the days after this happened, how did you feel about what happened?

- Extremely upset..... 1
- Quite upset..... 2
- A little upset..... 3
- Not upset at all..... 4
- Glad it happened 5

14. (IF Q13=1, 2 or 3) Did you feel any of the following ways after this happened?

	<u>YES</u>	<u>NO</u>
a. Worried or anxious?.....	1	2
b. Angry?.....	1	2
c. Sad or depressed?.....	1	2
d. Vulnerable?.....	1	2
e. Violated?.....	1	2
f. Like you couldn't trust people?.....	1	2
g. Fearful?.....	1	2

15. (IF Q13=4 or 5) Did you feel any of the following ways after this happened? (NEW)

	<u>YES</u>	<u>NO</u>
a. Like the other youth really cared about you.....	1	2
b. Like you really cared about the other youth.....	1	2
c. Like you had gotten what you wanted.....	1	2
d. Like you would get something from the other youth in return.	1	2
e. Like you were in control.....	1	2
f. Like you wanted it to happen again.....	1	2

SECTION 7: PLEASE DO NOT CIRCLE ANY RESPONSES ON THIS PAGE

16. Have your feelings changed since the incident happened?

- YES..... 1
- NO..... 2

17. (IF Q16=1) Thinking about it now, how do you feel about what happened?

- Extremely upset..... 1
- Quite upset..... 2
- A little upset..... 3
- Not upset at all..... 4
- Glad it happened 5

SECTION 8: PLEASE DO NOT CIRCLE ANY RESPONSES ON THIS PAGE

DI1. Because of a physical, mental or emotional problem, do you have serious difficulty concentrating, remembering, or making decisions?

YES..... 1
NO..... 2

DI2. Is the difficulty you experience because of a physical problem?

YES..... 1
NO..... 2

DI3. Is the difficulty you experience because of a mental or emotional problem?

YES..... 1
NO..... 2

SECTION 9:

GI1. What sex were you assigned at birth, on your original birth certificate?

- Male 1
- Female..... 2

GI2. Do you currently describe yourself as male, female or transgender?

- Male 1
- Female..... 2
- Transgender 3
- None of these 4
- Not sure..... 5

(IF YOU ARE MALE:)

GI3. Do you consider yourself...

- Gay..... 1
- Straight, that is, not gay 2
- Bisexual 3
- Something else..... 4
- Not sure..... 5

(IF YOU ARE FEMALE:)

GI3. Do you consider yourself...

- Lesbian or gay..... 1
- Straight, that is, not lesbian or gay 2
- Bisexual 3
- Something else..... 4
- Not sure..... 5

GI4. People are different in their sexual attraction to other people. Which best describes your feelings?

- Only attracted to males 1
- Mostly attracted to males..... 2
- Equally attracted to females and males..... 3
- Mostly attracted to females..... 4
- Only attracted to females 5
- Not sure..... 6

NSYC-3

Version 2 Items for Cognitive Testing

SECTION 1:

AE0080. Who was responsible for taking care of you when you were growing up? You may choose more than one answer.

- Your mother or step-mother 1
- Your father or step-father 2
- Your grandparents..... 3
- Foster parent 4
- A sister or brother 5
- Other relative 6
- Friend..... 7
- Group home 8
- Other 9

1. Do you have a lawyer or legal counsel?

Yes 1
No 2

2. Since you came to this facility, have you asked to see, call, or write to (your/a) lawyer or legal counsel?

Yes 1
No 2

3. Since you have been here, have you been allowed to see, call, or write to (your/a) lawyer or legal counsel?

Yes 1
No 2

SECTION 2:

SC1. Since coming to this facility have you ever been confined in a separate room other than your own room without contact with other youth?

Yes 1
No 2

SC2. What was the reason you were confined in a separate room, other than your own room, without contact with other youth?

	<u>Yes</u>	<u>No</u>
a. You were accused of or punished for breaking the rules.....	1	2
b. You were waiting to be moved to another unit or facility.....	1	2
c. You were sick.....	1	2
d. To protect you from harming yourself	1	2
e. To protect you from being harmed by others	1	2

SC4. Since coming to this facility, what was the longest time you were confined in a separate room, other than your own room, without contact with other youth?

Less than 3 hours 1
3 hours but less than 6 hours..... 2
6 hours but less than 1 day..... 3
1 day but less than 1 week 4
1 week or more 5

SC5. Since coming to this facility, have you been confined to your room for breaking facility rules?

- Yes 1
- No 2

SC7. Since coming to this facility, what was the longest time you have been confined to your room for breaking facility rules?

- Less than 3 hours 1
- 3 hours but less than 6 hours..... 2
- 6 hours but less than 1 day..... 3
- 1 day but less than 1 week 4
- 1 week or more 5

SECTION 3:

GA3. Are you a member of a gang in this facility?

Yes 1
No 2

GA4. When did you join this gang?

Since I got here 1
Before I got here 2

GA7. Has a gang in this facility ever tried to recruit you?

Yes 1
No 2

GA8. Have you ever had to do or pay something to have gangs leave you alone?

Yes 1
No 2

SECTION 4: PLEASE DO NOT CIRCLE ANY ANSWERS ON THIS PAGE

C1. The next questions are about drugs you may have taken on your own – that is, without a doctor telling you to take them.

Have you ever used...

	<u>YES</u>	<u>NO</u>
n. Synthetic drugs (such as synthetic marijuana, K2, Spice, fake weed, King Kong, Yucatan Fire, Skunk, bath salts).....	1	2
o. Cough syrup to get high.....	1	2

SECTION 5: PLEASE DO NOT CIRCLE ANY ANSWERS ON THIS PAGE

3. Still thinking just about this time that you had sexual contact with a staff member, was the staff member who you had sexual contact with...

- A staff member who directly supervises youth/correctional officer 1
- A teacher or educator 2
- Medical or mental health staff 3
- Other staff working in the facility 4
- A volunteer in the facility 5

7. Still thinking just about this time that you had sexual contact with a staff member, was there anyone who knew what was happening?

- Yes, other youth 1
- Yes, other staff 2
- Yes, both youth and staff 3
- No 4

8. What were these other youth doing at the time?

- They were helping make it happen 1
- They were trying to stop it from happening 2
- They knew it was happening, but did nothing 3

DO NOT CIRCLE ANY ANSWERS TO THE QUESTIONS ON THIS PAGE

11. Did (this staff person/any of those staff persons) do any of the following AFTER this happened?

	<u>Yes</u>	<u>No</u>
h. Gave you gifts or money so that you would keep it a secret	1	2
i. Threatened to hurt you so that you would keep it a secret.....	1	2
j. Said he/she would blame it on you if you told anyone	1	2
k. Said he/she would stop spending time with you if you told anyone.....	1	2
l. Had sexual contact with you again.....	1	2
m. Ignored you or stayed away from you.....	1	2
n. No change – the staff person treated me the same as before.....	1	2

12. In the days after this happened, how did you feel about what happened?

Extremely upset.....	1
Quite upset.....	2
A little upset.....	3
Not upset at all.....	4
Glad it happened	5

13. (IF Q12=1, 2 or 3) Did you feel any of the following ways after this happened?

	<u>YES</u>	<u>NO</u>
a. Worried or anxious?.....	1	2
b. Angry?.....	1	2
c. Sad or depressed?.....	1	2
d. Vulnerable?.....	1	2
e. Violated?.....	1	2
f. Like you couldn't trust people?.....	1	2
g. Fearful?.....	1	2

DO NOT CIRCLE ANY ANSWERS TO THE QUESTIONS ON THIS PAGE

14. (IF Q12=4 or 5) Did you feel any of the following ways after this happened? (NEW)

	<u>YES</u>	<u>NO</u>
a. Like the staff member really cared about you.....	1	2
b. Like you really cared about the staff member.....	1	2
c. Like you had gotten what you wanted.....	1	2
d. Like you would get something from the staff member in return.....	1	2
e. Like you were in control.....	1	2
f. Like you wanted it to happen again.....	1	2

15. Have your feelings changed since the incident happened? (NEW)

YES.....	1
NO.....	2

16. (IF Q15=1) Thinking about it now, how do you feel about what happened? (NEW)

Extremely upset.....	1
Quite upset.....	2
A little upset.....	3
Not upset at all.....	4
Glad it happened	5

SECTION 6: PLEASE DO NOT CIRCLE ANY ANSWERS ON THIS PAGE

HV7. Before you came to this place, had anyone ever forced you to have any kind of sexual contact?

YES..... 1
NO..... 2

HV8. Did any of this happen while you were in a corrections facility?

YES..... 1
NO..... 2

HV9. Did any of this happen while you were being arrested or detained by a law enforcement officer?

YES..... 1
NO..... 2

SECTION 7:

TP2. Since coming to this facility, have you received counseling for drug or alcohol problems?

Yes 1
No 2

TP3. When you received counseling for your drug or alcohol problems, what kind of counseling was it?

	<u>Yes</u>	<u>No</u>
e. Just you and the counselor	1	2
f. Yourself and other youths with a counselor	1	2
g. Yourself and your family with a counselor	1	2
h. Other	1	2

TP4. How helpful was the counseling for your drug or alcohol problems?

Very helpful 1
Somewhat helpful 2
Not very helpful 3

TP5. Since coming to this facility, have you received counseling to help you deal with any of your feelings and emotions?

Yes 1
No 2

TP6. When you received counseling about your feelings and emotions, what kind of counseling was it?

	<u>Yes</u>	<u>No</u>
e. Just you and the counselor	1	2
f. Yourself and other youths with a counselor	1	2
g. Yourself and your family with a counselor	1	2
h. Other	1	2

TP7. Since coming to this facility, how often did you receive counseling about your feelings and emotions?

Never..... 1
Less than once a month..... 2
About once a month..... 3
A few times each month 4
Once a week..... 5
Twice a week 6
Three or more times a week..... 7
Other 8

TP8. When did you last receive counseling about your feelings and emotions?

Today or yesterday..... 1
Within the last week 2
Within the last three weeks 3
Within the last month..... 4
More than one month ago 5

SECTION 8:

GI1. What sex were you assigned at birth, on your original birth certificate?

- Male 1
- Female..... 2

GI2. Do you currently describe yourself as male, female or transgender?

- Male 1
- Female..... 2
- Transgender 3
- None of these 4
- Not sure..... 5

(IF YOU ARE MALE:)

GI3. Do you consider yourself...

- Gay..... 1
- Straight, that is, not gay 2
- Bisexual 3
- Something else..... 4
- Not sure..... 5

(IF YOU ARE FEMALE:)

GI3. Do you consider yourself...

- Lesbian or gay..... 1
- Straight, that is, not lesbian or gay 2
- Bisexual 3
- Something else..... 4
- Not sure..... 5

GI4. People are different in their sexual attraction to other people. Which best describes your feelings?

- Only attracted to males 1
- Mostly attracted to males 2
- Equally attracted to females and males..... 3
- Mostly attracted to females..... 4
- Only attracted to females 5
- Not sure..... 6

NSYC-3

Items for Cognitive Testing Non-Facility Youth

GI1. What sex were you assigned at birth, on your original birth certificate?

- Male 1
- Female..... 2

GI2. Do you currently describe yourself as male, female or transgender?

- Male 1
- Female..... 2
- Transgender 3
- None of these 4
- Not sure..... 5

(IF YOU ARE MALE:)

GI3. Do you consider yourself...

- Gay..... 1
- Straight, that is, not gay 2
- Bisexual 3
- Something else..... 4
- Not sure..... 5

(IF YOU ARE FEMALE:)

GI3. Do you consider yourself...

- Lesbian or gay..... 1
- Straight, that is, not lesbian or gay 2
- Bisexual 3
- Something else..... 4
- Not sure..... 5

GI4. People are different in their sexual attraction to other people. Which best describes your feelings?

- Only attracted to males 1
- Mostly attracted to males..... 2
- Equally attracted to females and males..... 3
- Mostly attracted to females..... 4
- Only attracted to females 5
- Not sure..... 6

DI1. Because of a physical, mental or emotional problem, do you have serious difficulty concentrating, remembering, or making decisions?

YES..... 1
NO..... 2

DI2. Is the difficulty you experience because of a physical problem?

YES..... 1
NO..... 2

DI3. Is the difficulty you experience because of a mental or emotional problem?

YES..... 1
NO..... 2

Attachment 3: Consent and Assent Forms

- **Facility Youth Assent Form (Page 3-2)**
- **Facility Young Adult Consent Form (Page 3-3)**
- **Non-Facility Parental Consent Form (Page 3-4)**
- **Non-Facility Youth Assent Form (Page 3-6)**
- **Non-Facility Young Adult Consent Form (Page 3-8)**

National Survey of Youth in Custody – Youth Assent Form

The U.S. Department of Justice is doing a special study called the National Survey of Youth in Custody to learn more about what it is like for young people living in correctional facilities. The government will use the study to see if changes need to be made at facilities like this.

I would like you to help with this study by showing you some of the questions that we would like to add to that survey. I am interested in whether you understand the questions. If you agree, we will spend about one hour talking about the questions. The questions cover a variety of topics about what things are like at this facility, relationships between youth, and questions about the staff here.

Some of the questions ask about rules and behaviors that might involve sexual activity. For these questions, I will ask you not to actually answer the questions or talk about yourself or anyone else here. I only want to find out if the questions make sense to you.

You do not have to take part in this study – your participation is completely voluntary. Your decision will not affect your case or the services that you get in any way.

If you agree to take part, you can stop answering questions at any point. If there is a question that you do not want to talk about, you can skip it.

To help keep everything private:

- I will not ask for your name.
- Everything that you say will be confidential – that is, no one will know your answers.
- But there is one important exception to the privacy rule. If you tell me about any abuse or harm to you or another youth, it will be reported to the government agency that investigates these kinds of problems.

There are no direct benefits to participating, but your answers will help us improve the survey. Some of the questions that we will ask you to talk about ask about private and sensitive things and may bother you. If thinking about the questions upsets you or makes you sad, you may want to talk with a counselor at the facility. If you do not want to talk to a counselor who works here, arrangements can be made to talk with a counselor who does not work at the facility.

If you have any questions about the study or about your rights as a study participant, you can talk to (FACILITY CONTACT NAME) at (FACILITY NAME) or you can call Susan Cross, the project coordinator, at 1-800-937-8182, ext. 2664. If you have questions about your rights as a study participant, you can call Sharon Zack from the Westat Human Subjects Protections office at 1-800-937-8281, ext. 8828. Do you have any questions?

RESEARCHER: Indicate youth's choice by checking one of the boxes below and signing and dating the form.

- Yes**, youth agreed to talk about questions that might be asked on a national survey.
- No**, youth did not agree.

Researcher signature

Date

National Survey of Youth in Custody – Young Adult Consent Form

The U.S. Department of Justice is doing a special study called the National Survey of Youth in Custody to learn more about what it is like for young people living in correctional facilities. The government will use the study to see if changes need to be made at facilities like this.

I would like you to help with this study by showing you some of the questions that we would like to add to that survey. I am interested in whether you understand the questions. If you agree, we will spend about one hour talking about the questions. The questions cover a variety of topics about what things are like at this facility, relationships between youth, and questions about the staff here.

Some of the questions ask about rules and behaviors that might involve sexual activity. For these questions, I will ask you not to actually answer the questions or talk about yourself or anyone else here. I only want to find out if the questions make sense to you.

You do not have to take part in this study – your participation is completely voluntary. Your decision will not affect your case or the services that you get in any way.

If you agree to take part, you can stop answering questions at any point. If there is a question that you do not want to talk about, you can skip it.

To help keep everything private:

- I will not ask for your name.
- Everything that you say will be confidential – that is, no one will know your answers.
- But there is one important exception to the privacy rule. If you tell me about any abuse or harm to you or another youth, it will be reported to the government agency that investigates these kinds of problems.

There are no direct benefits to participating, but your answers will help us improve the survey. Some of the questions that we will ask you to talk about ask about private and sensitive things and may bother you. If thinking about the questions upsets you or makes you sad, you may want to talk with a counselor at the facility. If you do not want to talk to a counselor who works here, arrangements can be made to talk with a counselor who does not work at the facility.

If you have any questions about the study or about your rights as a study participant, you can talk to (FACILITY CONTACT NAME) at (FACILITY NAME) or you can call Susan Cross, the project coordinator, at 1-800-937-8182, ext. 2664. If you have questions about your rights as a study participant, you can call Sharon Zack from the Westat Human Subjects Protections office at 1-800-937-8281, ext. 8828. Do you have any questions?

Please indicate your choice by checking one of the boxes below and signing and dating the form.

Yes, I agree to talk about questions that might be asked on a national survey.

No, I do not agree.

Participant signature

Date

Non-Facility Parental Consent Form

RE: _____

Name of Youth

The U.S. Department of Justice is getting ready to conduct a national survey of youth. Before the study begins, we are talking to youth about some questions that might be added to the survey.

We would like your child's help by showing him/her some of the new questions that we would like to add to the survey. These questions will be used to collect data on gender identity and sexual orientation and health topics. We are interested in whether your child understands the questions and if they make sense him/her. This will help us figure out whether the questions are clear and whether youth will understand them.

We would like your permission to ask your child to participate in the interview. If you (and your child) agree, he/she will spend about 30 minutes talking with a Westat researcher about the questions and will receive \$25 when we are finished.

It is entirely up to you whether we can ask your child to participate, and then it is up to your child – your child does not have to do this. If your child agrees to do the survey, he/she can stop answering questions at any point. If there is a question that your child does not want to talk about, he/she can skip it.

In order to have a complete record of all comments, the interview session will be audio-recorded. Recordings allow us to carefully review the discussion and draw the proper conclusions.

To help keep everything private:

- Your child's name will not be recorded on the interview notes or reported in any reports.
- Everything that he/she says will be confidential – that is, no one will know your child's answers.
- But there is one important exception to the privacy rule. If your child tells me about any abuse or harm to him/her or another youth, it will be reported to the government agency that investigates these kinds of problems.

There are no known benefits to taking part, but their answers will help us improve the survey. Some of the questions may seem private or sensitive, and may bother your child. If thinking about the questions upsets or makes your child sad, he/she may want to talk with a counselor. If he/she would like to talk to a counselor, we have provided a list of resources on the back of this form and will also provide those resources to your child.

If you have any questions about the study, you can call Susan Cross, the project coordinator, at 1-800-937-8182, ext. 2664. If you have questions about your rights as a study participant, you can call Westat Human Subjects Protections office at 1-888-920-7631. Please leave a message with your full name, the name of the research study that you are calling about, the National Survey of Youth in Custody, and a phone number beginning with the area code. Someone will return your call as soon as possible.

Please indicate your choice by checking one of the boxes below and signing and dating the form.

- Yes**, I give my permission for you to ask my child to meet with a Westat researcher to talk about questions that might be asked on a national survey and agree that the interview can be recorded.
- Yes**, I give my permission for you to ask my child to meet with a Westat researcher to talk about questions that might be asked on a national survey but do not want the interview to be recorded.
- No**, I do not give you permission to talk with my child.

Your signature

Date

Youth Resources

The Gay, Lesbian, Bisexual and Transgender (GLBT) Youth Talkline

Telephone: 1-800-246-7743

Email: help@GLBThotline.org

Website: <http://www.glbthotline.org/>

Hours: Monday thru Friday from 4pm to midnight, EST
Saturday from noon to 5pm, EST

The Trevor Project

Telephone: 1-866-488-7386

Website: <http://www.thetrevorproject.org/>

Hours: 24 hours a day, 7 days a week

It Gets Better Project

<http://www.itgetsbetter.org/>

LGBT Youth and Parent Resources – Center for Disease Control (CDC)

<http://www.cdc.gov/lgbthealth/youth-resources.htm>

The Metro DC GLBT Community Center

http://www.thedccenter.org/resources_youth.html

Non-Facility Youth Assent Form

The U.S. Department of Justice is getting ready to conduct a national survey of youth. Before the study begins, we are talking to youth about some questions that might be added to the survey.

We would like your help today by showing you some of the new questions that we would like to add to the survey. These questions will be used to collect data on gender identity, sexual orientation and health topics. We are interested in your feedback on the questions. This will help us figure out whether the questions are clear and whether youth will understand them.

If you agree to participate, we will spend about 30 minutes talking about the questions and you will receive \$25 when we are finished.

You do not have to take part in this study – your participation is completely voluntary. If you agree to take part, you can stop answering questions at any point. If there is a question that you do not want to talk about, you can skip it.

In order to have a complete record of all comments, the interview session will be audio-recorded. Recordings allow us to carefully review the discussion and draw the proper conclusions.

To help keep everything private:

- Your name will not be recorded on the interview notes or reported in any reports.
- Everything that you say will be confidential – that is, no one will know your answers.
- But there is one important exception to the privacy rule. If you tell me about any abuse or harm to you or another youth, it will be reported to the government agency that investigates these kinds of problems.

There are no known benefits for you to take part, but your answers will help us improve the survey. Some of the questions may seem private or sensitive, and may bother you. If thinking about the questions upsets you or makes you sad, you may want to talk with a counselor. If you would like to talk with a counselor, we have provided you a list of resources on the back of this form.

If you have any questions about the study, you can call Susan Cross, the project coordinator, at 1-800-937-8182, ext. 2664. If you have questions about your rights as a study participant, you can call Westat Human Subjects Protections office at 1-888-920-7631. Please leave a message with your full name, the name of the research study that you are calling about, the National Survey of Youth in Custody, and a phone number beginning with the area code. Someone will return your call as soon as possible.

Do you have any questions?

RESEARCHER: Indicate youth's choice by checking one of the boxes below and signing and dating the form.

- Yes**, youth agreed to talk about questions that might be asked on a national survey and parent/youth both agreed to be recorded.
- Yes**, youth agreed to talk about questions that might be asked on a national survey but parent or youth did not agree to be recorded.
- No**, youth did not agree.

Researcher signature

Date

Youth Resources

The Gay, Lesbian, Bisexual and Transgender (GLBT) Youth Talkline

Telephone: 1-800-246-7743

Email: help@GLBThotline.org

Website: <http://www.glbthotline.org/>

Hours: Monday thru Friday from 4pm to midnight, EST

Saturday from noon to 5pm, EST

The Trevor Project

Telephone: 1-866-488-7386

Website: <http://www.thetrevorproject.org/>

Hours: 24 hours a day, 7 days a week

It Gets Better Project

<http://www.itgetsbetter.org/>

LGBT Youth and Parent Resources – Center for Disease Control (CDC)

<http://www.cdc.gov/lgbthealth/youth-resources.htm>

The Metro DC GLBT Community Center

http://www.thedccenter.org/resources_youth.html

Non-Facility Young Adult Consent Form

The U.S. Department of Justice is getting ready to conduct a national survey of youth. Before the study begins, we are talking to young people about some questions that might be added to the survey.

We would like your help today by showing you some of the new questions that we would like to add to the survey. These questions will be used to collect data on gender identity, sexual orientation, and health topics. We are interested in your feedback on the questions. This will help us figure out whether the questions are clear and whether young people will understand them.

If you agree to participate, we will spend about 30 minutes talking about the questions and you will receive \$25 when we are finished.

In order to have a complete record of all comments, the interview session will be audio-recorded. Recordings allow us to carefully review the discussion and draw the proper conclusions.

You do not have to take part in this study – your participation is completely voluntary. If you agree to take part, you can stop answering questions at any point. If there is a question that you do not want to talk about, you can skip it. In order to have a complete record of all comments, the interview session will be audio-recorded. Recordings allow us to carefully review the discussion and draw the proper conclusions.

To help keep everything private:

- Your name will not be recorded on the interview notes or reported in any reports.
- Everything that you say will be confidential – that is, no one will know your answers.
- But there is one important exception to the privacy rule. If you tell me about any abuse or harm to you or another person, it will be reported to the government agency that investigates these kinds of problems.

There are no known benefits for you to take part, but your answers will help us improve the survey. Some of the questions may seem private or sensitive, and may bother you. If thinking about the questions upsets you or makes you sad, you may want to talk with a counselor. If you would like to talk with a counselor, we have provided you a list of resources on the back of this form.

If you have any questions about the study, you can call Susan Cross, the project coordinator, at 1-800-937-8182, ext. 2664. If you have questions about your rights as a study participant, you can call Westat Human Subjects Protections office at 1-888-920-7631. Please leave a message with your full name, the name of the research study that you are calling about, the National Survey of Youth in Custody, and a phone number beginning with the area code. Someone will return your call as soon as possible.

Do you have any questions?

Please indicate your choice by checking one of the boxes below and signing and dating the form.

- Yes**, I agree to talk about questions that might be asked on a national survey and to be recorded.
- Yes**, I agree to talk about questions that might be asked on a national survey but do not agree to be recorded.
- No**, I do not agree.

Participant signature

Date

Resources

The Gay, Lesbian, Bisexual and Transgender (GLBT) Youth Talkline

Telephone: 1-800-246-7743

Email: help@GLBThotline.org

Website: <http://www.glbthotline.org/>

Hours: Monday thru Friday from 4pm to midnight, EST
Saturday from noon to 5pm, EST

The Trevor Project

Telephone: 1-866-488-7386

Website: <http://www.thetrevorproject.org/>

Hours: 24 hours a day, 7 days a week

It Gets Better Project

<http://www.itgetsbetter.org/>

LGBT Youth and Parent Resources – Center for Disease Control (CDC)

<http://www.cdc.gov/lgbthealth/youth-resources.htm>


The Metro DC GLBT Community Center

http://www.thedccenter.org/resources_youth.html

Memo

Date: December 29, 2010

To: John Hartge, Project Director

From: Kerry Levin; Chair, Westat IRB 

Subject: **Full Approval of NATIONAL PRISON RAPE (NYSC2), Project Number 8733
FWA5551**

On Tuesday, December 14th, 2010 the **NATIONAL PRISON RAPE (NYSC2), Project Number 8733**, was presented to the full Board. Pursuant to 45 CFR pt. 46, the IRB reviews all studies involving research on human subjects. The Bureau of Justice Statistics (BJS) funds this study.

This request was to review and approve the second National Study on youth in Custody (NSYC-2). Westat completed NYSC1 in 2010; approximately 10,000 youth completed surveys in 195 state-owned and privately owned juvenile facilities.

In NYSC2, Westat will implement similar data collection and analysis procedures as was conducted in NYSC1.

During the discussion, the following information was provided to the Board:

- Initially, a brief report of the NYSC1 findings was presented as well as a description of the lessons learned. The selection of findings is reported below:
 - 50% of the interviews conducted used *in loco parentis* (ILP) in place of parent/guardian permission. No reports of complaints or incidents were documented.
 - 12% of parents contacted refused permission for their youth to participate in the study. Refusal conversion was not conducted.
 - 33% of facilities in the study provided insufficient information to contact parents.
 - 99.5% of the youth participants reported comprehending the key elements of consent.
 - 86% of youth participants reported feeling that their information would remain confidential.
 - ~25% of the youth reported finding something upsetting about the survey. This statistic was found regardless of the type of survey completed (i.e., sex, drugs).
- Design changes for the NYSC2 study were discussed and included the following main points:
 - Earlier release of the results of the study to the facilities.
 - Increase the sample size by 15 to 20%.

- Utilize additional procedures such as on-line searches to obtain parent contact information when facilities cannot provide addresses.
 - Add new survey questions (e.g., whether youth knew the rules for reporting sexual contact, who initiated the contact, and if youth thought that the contact was part of a close relationship).
- The Board inquired whether the BJS adopted the Common Rule and they do. The Common Rule is a set of core regulations, adopted by 17 Departments and Agencies in 1991. The regulations, 28 CFR Part 46 for DOJ, set up procedures to establish and operate an Institutional Review Board (IRB) to review human subjects research.
 - A Board member inquired about the study's data destruction date. The project team explained that there will be two types of identifiable data, the identifiable information to track parents to collect informed consent as well as the youth participant survey data. This is a de-identified double blind study with a three ID system set up to prevent any opportunity to re-identify the data. The project team will destroy the data as soon as possible, most likely before the data analysis begins and will not be linkable to any analytic results.
 - The Board inquired as to why the risks and benefits' sections were excluded from the informed consent forms. First, the project team believed that they addressed the issues related to risks by telling youth that they may request the services of a facility or an external counselor. Further, the project team has included mandatory reporting language in this study that is identical to the language used in NYSC1. Second, since there are no direct benefits to youth participants in this study, the project team believed that communicating the concept of potential indirect benefits would be difficult, and that little would be gained from any attempt to describe this to them.

Action Requested: Review protocol, pre-notification letters, informed consent and assent forms, instruments, and accompanying materials.

Action Taken: Per 45 CFR 46, the Westat IRB determined that this research met criteria for classification as minimal risk and assigned it a conditional approval. For: 8; Against: 0; Abstain: 0.

The following is a list of questions and comments that resulted from the discussion between the research team and the Board as well as the research team's responses.

Protocol/Procedures

1. Describe procedures to be used for conducting on-line searches for parents/guardians when a facility cannot supply adequate addresses to mail consent packets. (Page 24)

Project Response: The project summary provides a description of the conditions under which a search would be conducted, including the search engine that will be used, and the procedures that will be followed once any new contact information is obtained. (Pages 14-15 of the revised project summary)

2. State that the outcome of the call to a parent/guardian is to either record verbal consent or refusal regarding the youth's participation in the study. (Page 24)

Project Response: Text was added in the project summary to clarify the fact that some cases will be assigned for prompting calls and others will be assigned for verbal consent calls. Text was also revised to better explain that only recordings of calls resulting in a “consent given” status will be reviewed. (Page 13 of revised Project Summary)

“When interviewers contact parents/guardians to request verbal consent, they will read a scripted version of the consent form designed for telephone delivery (Appendix B). If the intention of the call is to request consent (rather than prompt), as soon as the interviewer determines that the parent/guardian is on the telephone, he/she will ask permission to record the conversation. All recordings of calls that an interviewer codes as “consent received” will be reviewed to confirm that proper procedures were implemented and that the outcome of the call was properly coded. Calls that result in a refusal will not be reviewed. No refusal conversion efforts (i.e., call backs to those who refuse consent) will be attempted.”

3. Describe procedures to ensure interviewer availability throughout the field period (e.g. use of cell phones).

Project Response: All field staff will carry cell phones throughout the data collection.

4. Under the third paragraph on page 12, replace the word “experienced” with “reported experiencing.”

Project Response: Done

5. Provide more details about the information included in the interviewer’s human subjects protections trainings prior to performing the following procedures:

- Obtaining documented informed consent from parents/guardians for their youth to participate by facility staff. (Page 23)
- Obtaining verbal parent permission by telephone interviewers. (Page 24)
- Obtaining verbal youth assent by field interviewers. (Page 25)
- Conducting the youth survey by field interviewers. (Page 26)

Project Response:

Obtaining documented informed consent from parents/guardians for their youth to participate by facility staff. (Page 15 of revised Project Summary)

The interviewer’s human subjects protections training will cover the following topics:

All facility staff engaged in contacting parents/guardians regarding consent will receive training on human subjects protections. As was done in NSYC-1, Westat senior project staff will conduct a training session by telephone with facility staff. Training of Westat staff will follow standard protocols used by the Telephone Research Center for interviewers working from their homes. Sessions will address the following topics:

- Parents/guardians need to be fully informed before making a decision. Information provided must include what the study is about, who is sponsoring the study, and how it will be administered.

- Staff should be sensitive to how parents/guardians react to the request for consent and understand that no attempts will be made to convert a refusal.
- Parents/guardians have a right to talk to the youth prior to consenting and youth will have the right to refuse to participate.
- There will be no effect on services or treatment of youth if parents/guardians (or youth) refuse.
- Study staff will comply with state mandatory reporting requirements if the youth makes a verbal statement to the survey administrator regarding any abuse or harm to him/her or another child

Obtaining verbal parent permission. (Pages 15-16 of revised Project Summary)

Westat interviewers will also receive training on the procedures for recording calls aimed at collecting verbal consent. This will include discussion of the fact that all consent calls will be recorded (if the parent/guardian agrees), and the procedures for asking the parent/guardian for consent to record the call and what to do if the parent/guardian refuses to be recorded. Training will also address the fact that all consent recordings will be reviewed by project staff to ensure that the consent procedures were followed and that the documented consent decision reflects the parent/guardian's wishes as stated in the recording.

Obtaining verbal youth assent. (Pages 16-17 of revised Project Summary)

NSYC-2 will follow the same procedures to contact and obtain assent from youth as were used in NSYC-1. Monitors will receive training on issues related to human subjects protections and will become familiar with the procedures used to inform youth of their rights and assess their comprehension of the study purpose, procedures, their risks, and rights as participants. Training will address the following topics:

- Confidentiality of youth data, including their obligations under the Westat Confidentiality Pledge and the BJS Privacy Agreement, the prohibition on asking youth their name or other identifying information, and the restrictions on discussing the study experiences with anyone other than their supervisors.
- Compliance with state mandatory reporting requirements, including the requirement to follow predetermined facility-specific procedures when a youth makes a verbal statement suggesting abuse or harm of a resident.
- Verification of youth eligibility, including restrictions and procedures related to overriding the date of birth recorded in the survey management system such that consent status might be changed.
- Procedures used to assess youth comprehension of the key elements of assent and acceptable responses to questions the youth might have about the elements reflected in the assent materials.

Conducting the youth survey. (Page 22 of revised Project Summary)

Monitors will receive training on how to protect the youths' privacy and observe the youth for emotional upset during the interview session. For example, the monitors will be instructed on how to assist the youth if they have questions about specific survey items. This will help prevent a monitor from learning the youth's survey responses as revealed by the routing through the questionnaire (i.e., skip pattern). In addition, monitors will be trained to remain continually alert to the youth's affect as it may be conveyed in comments, utterances, or body language. These observations may help identify youth in distress and lead the monitor to ask if the youth would like to speak to a counselor.

Informed Consent Process

6. Make the following requests for waivers or modifications of informed consent:

1. Accepting a waiver of documentation of informed consent from parents/guardians.
2. Accepting verbal assent from youth participants.
3. Omitting a statement on “Benefits” from the informed consent and assent process.
4. Accepting only one parent’s permission for youth participation in the study.

Project Response: Text was added to reflect requests for waivers and modifications to consent regulations.

1. As with NSYC-1, a waiver of documentation of informed consent from parents/guardians is requested as many states do not permit Westat to have possession of youth names and the names must appear on the consent forms. In addition, since Westat (and some facilities) sometimes collect verbal consent by telephone, documentation is not always possible.
2. To protect the confidentiality of the youth, field staff is not permitted to collect the names of youth.
3. Since there are no direct benefits to youth participants in this study and communicating the concept of potential indirect benefits would be difficult, the project team believes that little would be gained from any attempt to describe this to them. Therefore, a waiver to omit this element is requested.
4. The primary reason for requesting consent from one parent is again related to the likely inability to locate both parent/guardians. NSYC-1 demonstrated that locating one parent/guardian was very difficult and often impossible. The prospect of contacting both would have serious implications for the project team’s ability to conduct the study.

7. In the Parent Permission Form, replace the phrase “legal certificate” with another phrase that more accurately describes the confidentiality agreement that the project team signs to be on this study. (Page 43)

Project Response: “All of the researchers working on this study have signed a legal certificate document saying that they will protect your child’s privacy and not to tell anyone anything that he/she has said. Anyone who intentionally breaks this promise would lose their job and might face criminal charges.” (Pages B4 and B7 of the revised informed consent materials)

Action Taken: Per 45 CFR 46, this project meets criteria for classification as minimal risk and is assigned a full approval.

As the Project Director you are responsible for the following:

- You are required to submit this study for a continuing review on or before December 14, 2011.
- In the interim, you are responsible for notifying the IRB Office as soon as possible if there are any injuries to the subjects, problems, or changes to the study design that relate to human subjects.

cc: Institutional Review Board
Mark Freedman

Attachment 5: Recruitment Screener and Ad for Non-Facility Interviews

- **Recruitment Screener (Page 5-2)**
- **Advertising Language for LGBT Recruitment (Page 5-9)**

**National Survey of Youth in Custody (NSYC-3)
SOGI Interviews Recruitment Screener**

Target Population:

- Recruit a total of 20 youth (ages 12 to 21) who are gay, lesbian, bisexual, or transgender (LGBT) or who have a close family member or close friend who is LGBT

- Recruit a mix of
 - Ages
 - Genders
 - Sexual orientation
 - Race/ethnicity
 - Education levels

INTRODUCTION:

Hello, my name is _____ and I work for Westat, a social science research organization in Rockville, Maryland.

Thank you for your interest in the research project we are doing for the Bureau of Justice Statistics. The purpose of the interviews is to test survey questions on sexual orientation, gender identity, and health topics among youth and young adults ages 12 to 21.

[TAILOR QUESTIONS TO PERSON ON THE PHONE – YOUNG ADULT, PARENT OR YOUTH]

May I ask you a few questions about [you/your child] to see if [you/they] qualify to participate?

[IF NO]: GO TO END / THANK AND TERMINATE (“Thank you anyway for your time today, and have a great day.”)

[IF YES, CONTINUE]: .

1. **[Are you/Do you have any children] between the ages of 12 and 21?**

____ Yes → *Continue*

____ No → *Thank and terminate*

2. **We are specifically looking to test these survey items with lesbian, gay, bisexual, or transgender youth. [Are you/Do you have a child who is]....**

____ Gay → *Go to #5*

____ Lesbian → *Go to #5*

____ Bisexual → *Go to #5*

____ Transgender → *Go to #5*

___ Not sure → *Continue*

___ No, [I am not/none of my children are] LGBT → *Continue*

3. Are any immediate members of [your/your child's] family lesbian, gay, bisexual, or transgender, such as a parent, sibling, or grandparent?

___ Yes → *Continue*

___ No → *Continue*

___ Not sure → *Continue*

4. Are any of [your/your child's] close friends lesbian, gay, bisexual, or transgender?

___ Yes → *Continue*

___ No → *Continue*

___ Not sure → *Continue*

[IF YES TO EITHER Q3 OR Q4, CONTINUE. ELSE TERMINATE INTERVIEW]

5. What is [your/your child's] age? _____

[IF AGES 12 TO 21, CONTINUE. ELSE TERMINATE INTERVIEW]

6. What is [your/your child's] gender?

___ Male → *Continue*

___ Female → *Continue*

___ Transgender → *Continue*

7. **What is the last or highest grade that [you have/your child has] finished in school?** [*Do not read options.*]

- Elementary school (Grades 1-6) → *Continue*
- Middle School → *Continue*
 - 7th grade
 - 8th grade
- High school → *Continue*
 - 9th grade (Freshman)
 - 10th grade (Sophomore)
 - 11th grade (Junior)
 - 12th grade (Senior)
- Some college, but did not receive a degree → *Continue*
- Associates degree → *Continue*
- Bachelor's degree → *Continue*
- High than a bachelor's degree → *Continue*

8. **[Are you/Is your child] of Hispanic or Latino origin or descent?**

- Yes, Hispanic or Latino → *Continue*
- No, not Hispanic or Latino → *Continue*

9. **Which one or combination of the following best describes [your/your child's] race?**
Would you say... INTERVIEWER: RECRUIT MIX OF RACES

Read options and code all that apply.

- White → *Continue*
- Black or African American → *Continue*
- Asian → *Continue*
- Native Hawaiian or other Pacific Islander → *Continue*
- Native American or Alaskan Native → *Continue*
- Other (*Write response:* _____) → *Continue*

10. **What is [your/your child's] first name?** _____

11. What is the best way for us to contact you?

Email address: _____

Phone number: _____

12. Will [you/your child] be available during the week of [INSERT DATES]?

____ YES → *Continue to Question 3*

____ NO → *Thank and end call*

13. Will [you/your child] be able to travel to Westat's campus in Rockville, MD? Westat is located at 1600 Research Blvd. and is near a bus line, but not near a metro station. We have plenty of parking.

____ YES → *Continue to Question 4*

____ NO → *Thank and end call*

[IF YOU ARE SPEAKING TO THE PARENT AND THE CHILD IS ELIGIBLE, SCHEDULE INTERVIEW AND SEND CONSENT FORM. IF YOU ARE SPEAKING TO A YOUNG ADULT, AGES 18 TO 21, SCHEDULE INTERVIEW.]

Thank you. We are interested in interviewing [you/your child] for this study. If [you/you and your child both] agree to participate, what date and time of day would work best for [you/your child]?

DATE: _____

TIME: _____

[IF SPEAKING TO THE PARENT] We will also need you to sign a consent form. I will send you the form via email. After you have reviewed and signed the form, you can return it to us via email, fax, or you can have your child bring it to the interview. Thank you! Please look for an email from Westat later today.

[ASK ONLY OF YOUTH PARTICIPANTS UNDER THE AGE OF 18]

7. Since you are under the age of 18, we will need the consent of your parent or guardian before you can be interviewed.

Is your parent/guardian there?

[IF YES]: Can we speak with them right now?

[IF YES: GO TO PARENT SCRIPT BELOW]

[IF NO: ASK FOR PHONE NUMBER]

[IF NO]: Can you provide us with their name and phone number so we can call them?

[IF YES]: Parent name: _____

Phone number: _____

Thank you. We will contact your parent/guardian to discuss the study and obtain their consent. If they agree to let you participate, we will contact you again to schedule the interview.

[IF NO: Thank and end call.]

PARENT PHONE SCRIPT

Hello, my name is _____ and I work for Westat, a survey research organization in Rockville, Maryland.

Your [son/daughter] has responded to our advertisement seeking interview participants for a study we are conducting on behalf of the Bureau of Justice Statistics. The purpose of the interviews is to test survey questions that will collect data on gender identity, sexual orientation, and health topics.

We would like your child's help with the study by showing him/her some of the new questions that we would like to add to that survey. We are interested in whether your child understands the questions and if they make sense him/her. This will help us figure out whether the questions are clear and whether youth will understand them.

Since your child is under the age of 18, we will need your permission before they can participate in the interview. If you (and your child) agree, he/she will spend about 30 minutes talking with the researcher about the questions and will receive \$25 when we are finished.

It is entirely up to you whether we can ask your child to participate, and then it is up to your child – your child does not have to do this.

If your child agrees to do the survey, he/she can stop answering questions at any point. If there is a question that your child does not want to talk about, he/she can skip it.

To help keep everything private:

- The Westat researcher who meets with your child will not ask for your child's name.
- Everything that he/she says will be confidential – that is, no one will know your child's answers.
- But there is one important exception to the privacy rule. If your child tells me about any abuse or harm to him/her or another youth, it will be reported to the government agency that investigates these kinds of problems.

There are no known benefits to taking part, but their answers will help us improve the survey.

Some of the questions may seem private or sensitive, and may bother your child. If thinking about the questions upsets or makes your child sad, he/she may want to talk with a counselor. If he/she would like to talk to a counselor, we will provide a list of resources at the end of the interview.

We would like to send you a consent form that details the study and your child's rights as a research participant. If you agree to let your child meet with one of the researchers, we will need you to sign the form and return it to us via email or fax.

Are you willing to let your child participate in this study?

[IF YES]: Thank you. We will send you the consent form that contains all of the information we just discussed. Please review the form and email it back to us or have your child bring it with them to the interview. What email address would you like us to send it to?

Email address: _____

[IF NO: Thank and end call.]

CONSENT FORM EMAIL TEXT

TO PARENT OR GUARDIAN OF _____

Thank you for your interest in the research project we are doing for the Bureau of Justice Statistics. Attached you will find the parental consent form for the study. Please review this form thoroughly. If you agree to let your child participate, sign and date the form. Your child will also be asked if (he/she) agrees to participate in the interview. You can return the form to us by email at [INSERT EMAIL ADDRESS] or by fax at [INSERT FAX NUMBER], or your child may bring the consent form to the scheduled interview. We will only conduct the interview if we have received your signed form and if your child agrees to participate.

Please let me know if you have any questions by emailing me at [EMAIL ADDRESS] or calling [TOLL-FREE NUMBER].

Thank you,

Advertising Language for LGBT Recruitment

Headline: Youth and Young Adults Ages 12-21 Needed to Test LGBT Survey Items – Receive \$25 for 30 Minutes

Westat, a social science research company in Rockville, MD is looking to recruit youth and young adults ages 12 to 21 who are gay, lesbian, bisexual or transgender (LGBT) or who have close family members or friends who are LGBT to participate in a 30-minute in-person interview. We are seeking a cross section of ages and races to participate in the interviews. We are developing some survey questions on sexual orientation, gender identity, and health topics for a national study being conducted by the Bureau of Justice Statistics. We will be testing the questions in one-on-one interviews to be held at Westat's offices in Rockville, MD in late-spring or early summer, 2016. All interviews will be confidential. Youth under the age of 18 will need written parental consent in order to participate. Participants will receive \$25 upon completion of the interview.

WESINFO Language:

Headline: Youth and Young Adults Ages 12-21 Needed to Test LGBT Survey Items – Receive \$25 for 30 Minutes

Volunteers ages 12-21 who are gay, lesbian, bisexual or transgender or who have close family members or friends who are LGBT are needed to participate in a 30-minute in-person interview. We are developing some survey questions on sexual orientation, gender identity, and health topics for a national study being conducted by the Bureau of Justice Statistics. Interviews will be held in late-spring or early summer, 2016 at Westat. All interviews will be confidential. Youth under the age of 18 will need written parental consent in order to participate. Participants will receive \$25 upon completion of the interview. If you know someone who would be interested in participating, please have them call toll-free xxxxxxxx and indicate their interest in the BJS Study. Children of Westat employees are eligible, as are friends and family members.

Attachment 6: Recruitment Materials for States and Facilities

- **State Information Sheet (Page 6-2)**
- **State Roles and Responsibilities (Page 6-3)**
- **Facility Information Sheet (Page 6-4)**
- **Facility Roles and Responsibilities (Page 6-5)**



National Survey of Youth in Custody (NSYC) Testing of New Survey Items State Information Sheet

Implementation Process

Late July – Early August 2016

- State Director/Commissioner will appoint a State Liaison.
- State Liaison will contact 1-2 facility superintendents/administrators to determine if they are willing to participate.

Mid August 2016

- State Liaison will provide Westat with the name of participating facility(ies) and contact information.
- Westat will mail an NSYC information packet to the facility administrator(s).
- Westat will contact the facility administrator(s) to learn who will serve as the coordinator for the facility.
- Westat will provide the coordinator(s) with study materials and begin planning and preparing for data collection at the facility. Planning activities will be completed by the end of June.
- Westat and the coordinator will schedule the data collection visit.

Late August 2016

- A research team will visit the facility(ies) to interview 8 to 10 facility youth. All visits will be conducted on a single day that is convenient for the facility, by August 30.



NATIONAL SURVEY OF YOUTH IN CUSTODY (NSYC) TESTING OF NEW SURVEY ITEMS State Roles and Responsibilities

State Director/Commissioner

- 1. Designate a State Liaison:** The State Director/Commissioner will select a state staff person who will serve as a liaison to the study. This liaison will work with the residential juvenile facilities and Westat to prepare for and coordinate the research team visit.
- 2. Provide State Clearance:** The State Director/Commissioner will provide authorization, via the State Liaison, for Westat to contact the selected facilities in your state to arrange for participation in this research study.

State Liaison

- 1. Inform Facility Superintendent/Administrator and Identify a Facility Coordinator:** The State Liaison will contact the superintendents/administrators of the selected facilities in the state to inform them of the NSYC study and identify a staff person in the facility who will serve as the point-of-contact for scheduling and arranging for the research team visit.
- 2. Communicate Requirements to Obtain Informed Consent for Minors:** The State Liaison will confirm that the state/facility can provide consent for adjudicated minors to participate in the interview on behalf of the legal guardians (*in loco parentis*).
- 3. Confirm State Mandatory Reporting Procedures:** The State Liaison will confirm how incidents should be reported to child welfare authorities if a youth informs the research team of abuse or neglect. Prior to the visit, the team will need to understand the state mandatory reporting procedures and will need the telephone number and paperwork requirements (if applicable) for submitting a report.
- 4. Specify Security Clearance Requirements for Westat Interview Staff:** The State Liaison will specify any special requirements for the research team to gain access to the facilities. This may include special identification requirements or background checks.
- 5. Identify External Counseling Resources:** The State Liaison will confirm that both internal and external counseling will be available to youth who participate in the interview. The Westat Institutional Review Board (IRB) requires that youth receive counseling if they become upset after the interview or if they ask to speak to a counselor. If the youth requests to speak to someone who is not a facility counselor, arrangements must be in place for the youth to speak privately with an outside counselor.



NATIONAL SURVEY OF YOUTH IN CUSTODY (NSYC) TESTING OF NEW SURVEY ITEMS Facility Information Sheet

U.S. Department of Justice
Bureau of Justice Statistics

Implementation Process

Late July-Early August 2016

- Westat will mail an NSYC information packet to the facility administrator.
- Westat will contact the facility administrator to learn who will serve as the coordinator for the facility.
- Westat will provide the coordinator with study materials and begin planning and preparing for data collection at the facility. Planning activities will be completed by early August 2016.
- Westat and the coordinator will schedule the data collection visit.

August 2016

- The research team, consisting of 2 Westat researchers, will conduct 8-10 interviews with facility youth on a single day that is convenient for the facility, by August 30, 2016.
- The coordinator will identify 2 private rooms in the facility where each Westat team member can meet individually with youth to conduct the interviews. The coordinator will assign facility staff to escort youth to and from the interview area(s).



NATIONAL SURVEY OF YOUTH IN CUSTODY (NSYC) TESTING OF NEW SURVEY ITEMS Facility Roles and Responsibilities

U.S. Department of Justice
Bureau of Justice Statistics

Facility administrator

1. **Designate a facility coordinator:** The facility administrator will designate a staff person who will work with Westat to prepare for the research team visit.

Facility coordinator

2. **Recruit youth participants:** The facility will identify 8 to 10 state-placed adjudicated youth to participate in a 60 minute interview. The selected youth should be cooperative, articulate, and comfortable talking with the Westat researchers. In addition, the youth should reflect a mix of the following characteristics:
 - Gender (if co-ed facility)
 - Age (over and under 15 years old)
 - Race and ethnicity
 - Length of time in facility (at least 6 months)
3. **Obtain consent for youth to participate through In loco parentis,** in which the facility provides consent in lieu of the parent/guardian. This procedure has previously been approved by Westat's IRB in cases where the agency or facility is willing to accept responsibility for providing consent.
4. **Coordinate visit logistics:**
 - A. **Schedule the facility visit.** The POC will coordinate with Westat to schedule the visit based on the facility schedule, expected number of youth, and availability of researchers. The research team will consist of two Westat staff. All interviews will be completed in one day.
 - B. **Coordinate and schedule youth interviews.** The POC will arrange the schedule to ensure the selected youth are available. The interview schedule will be prepared and confirmed with the facility in advance of the interviewers' visit. Each interview will last approximately 60 minutes with a 30 minute break scheduled between each session. Interviews may be scheduled between 8 am and 6 pm.
 - C. **Identify and prepare interview rooms.** The POC will identify 2 rooms or semi-closed spaces where each researcher will conduct the interviews. Each room/space must:
 - Provide privacy to ensure that the interview will be conducted without interruption or the youth respondent being seen by staff or other youth.
 - Contain a table and two chairs
 - Be available for the duration of the interviewers' visit
 - D. **Provide support during data collection.** The POC will arrange for staff to escort youth to and from the interview rooms. He/She should also be easily accessible in case issues arise during the interviews.
5. **Arrange for counseling services:** While we do not anticipate the content of the interview to upset the participants, the POC should ensure that counseling is available for youth, if requested. The POC should identify a counseling resource at the facility and a counselor outside of the facility if the youth requests one.
6. **Define mandatory reporting procedures:** Westat researchers are considered subject to state and local mandatory reporting requirements. If youth make verbal allegations of abuse or harm to a researcher, a report will be made. General procedures will be specified by the agency liaison. However, the POC will be asked to define the specific procedures for the facility (e.g., name and contact information for the agency designated to receive the report).

