

## **Supporting Statements**

### **National Survey of Youth in Custody-3 (NSYC-3): Data Collection**

08/07/2017

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**Supporting Statement**

**Part A. Justification**

1. Necessity of Information  
Collection

On September 4, 2003, the Prison Rape Elimination Act of 2003 (PREA or the Act) was signed into law (Public Law 108-79; see Attachment 1). The Act requires the Bureau of Justice Statistics (BJS) to “carry out, for each calendar year, a comprehensive statistical review and analysis of the incidence and effects of prison rape.” The Act further instructs BJS to conduct surveys and other statistical studies of current and former inmates.

To implement the Act, BJS has developed the National Prison Rape Statistics Program (NPRSP), which includes four separate data collection efforts: the Survey of Sexual

Victimization (SSV), the National Inmate Survey (NIS), the National Survey of Youth in Custody (NSYC), and the National Former Prisoner Survey (NFPS). Each of these collections is independent, and while not directly comparable, they provide various measures of the prevalence and characteristics of sexual assault in correctional facilities.

The SSV series collects information about allegations of sexual victimization reported to and investigated by adult and juvenile correctional authorities, as well as characteristics of substantiated incidents. The NIS collects self-reported data on sexual victimization by adult and juvenile inmates in correctional facilities. The NSYC gathers self-reported sexual assault data from juveniles in juvenile correctional facilities. The NFPS measures allegations of sexual assault incidents experienced during the last incarceration, as reported by former inmates on active supervision. By using more than one method and measure, the data collections together provide a deeper understanding of sexual victimization in correctional facilities.

BJS and Westat conducted the first NSYC (NSYC-1) between June 2008 and April 2009. The second NSYC (NSYC-2) was conducted between February 2012 and September 2012. In both rounds, youth completed the survey using an audio computer-assisted self-interview (ACASI), in which they heard questions and instructions via headphones and responded via a touchscreen. NSYC-1 completed interviews with 10,513 youth residing in 166 state-owned or operated juvenile facilities and 29 locally or privately operated facilities while NSYC-2 completed interviews with 9,950 youth residing in 273 state-owned or operated juvenile facilities and 53 locally or privately operated facilities. For both NSYC-1 and NSYC-2, 90% of the surveyed

youth received the questionnaire measuring sexual victimization while 10% of youth received an alternative survey on drug and alcohol use and treatment.

BJS published the survey findings for NSYC-1 in January 2010 and NSYC-2 in June 2013. Key findings from these two reports include the following:

- For NSYC-1, 12.6% of the youth reported experiencing one or more incidents of sexual victimization by another youth or facility staff in the past 12 months or since admission, if less than 12 months. For NSYC-2, the estimated rate decreased to 9.9%.
- In NSYC-1, about 2.6% of youth reported an incident involving another youth, and 10.3 percent reported an incident involving facility staff. In NSYC-2, about 2.5% of youth reported an incident involving another youth, and 7.7% reported an incident involving facility staff.
- In NSYC-1, about 4.3% of youth reported having sex or other sexual contact with facility staff with some type of force; 6.4% of youth reported sexual contact with facility staff without any force, threat, or other explicit form of coercion. These rates were somewhat lower for NSYC-2 in which an estimated 3.5% of youth reported having sex or other sexual contact with facility staff with force or other forms of coercion, while 4.7% of youth reported sexual contact with staff without any force, threat, or explicit form of coercion.
- Youth who identified their sexual orientation as gay, lesbian, bisexual, or “other“ reported a substantially higher rate of youth-on-youth

victimization (12.5% and 10.3% in NSYC-1 and NSYC-2, respectively) than heterosexual youth (1.3% and 1.5% in NSYC-1 and NSYC-2, respectively).

This submission is to seek clearance for BJS to administer the third NSYC (NSYC-3). BJS has a cooperative agreement with Westat to collect data for NSYC-3. BJS and Westat have revised the youth and facility questionnaires from those used in NSYC-2 and conducted cognitive and pilot tests of the revised versions under BJS's generic clearance process. No items have been changed in the sexual assault section used to provide estimates of the prevalence of sexual victimization. These questions remain the same to ensure comparability with NSYC-1 and NSYC-2 findings, and to ensure the ability to measure change over time.

As in previous NSYC collections, BJS has undertaken several precautions to maximize confidentiality due to the sensitive nature of the topic. First, respondents will receive one of two different questionnaires: the National Survey of Youth in Custody core (NSYC-core) survey (Attachment 2-I<sup>1</sup>, English, and Attachment 2-II, Spanish) or the National Survey of Youth in Custody-Alternate (NSYC-A) survey (Attachment 2-V, English, and Attachment 2-VI, Spanish). Ninety percent of the respondents will receive the NSYC-core survey, asking questions on sexual violence. However, the computer is programmed to randomly select 10% of respondents to receive the alternative survey (NSYC-A), asking

<sup>1</sup> Section C of the core survey, which contains the questions about sexual assault in the facility, uses less explicit language in the screener for youth who are ages 14 and younger (see Attachment 2-III, English, and Attachment 2-IV, Spanish). The screener questions for these younger youth are found in the appendix at the end of that instrument in Attachment 2-I.

questions about facility living conditions, treatment programs and services, and youths' post-release plans. This effort offers a layer of protection to the respondents because facility staff, other youth residents, and even the interviewer will not know which questionnaire the respondent received.

Further, the NSYC-core and NSYC-A surveys were designed to take the same amount of time to complete. The questionnaires have been time tested to ensure respondents will spend about the same amount of time completing the survey, regardless of which questionnaire they receive. Additionally, respondents who report having experienced no victimization may complete the sexual violence questionnaire more quickly since they will not receive follow up questions designed to gather information about victimizations. These respondents will also receive NSYC-A questions about facility living conditions, treatment programs and services, and post-release plans so that the total time answering questions lasts approximately 35 minutes. These methods were successfully employed in the previous NSYC studies.

Expanding the NSYC-core survey with additional items will ensure that all respondents spend the same length of time completing the interview so that it is not obvious to facility staff how the respondent answered the survey questions. (For example, a short completion time could be indicative of no reported victimization.)

The NSYC-core and NSYC-A surveys will provide a nationally representative sample of youth who report on facility living conditions, treatment programs and services, and post-release plans for meaningful analysis. The data will be assessed and subsequently adjusted to address potential

selection bias. The results will be published in a BJS report.

The NSYC-core and NSYC-A surveys will be administered using audio computer-assisted self-interview (ACASI) methodology. Both survey questionnaires are available in English and Spanish. The ACASI instrument will randomly assign each respondent to either the NSYC-core or NSYC-A survey.

Participation in the NSYC-3 is voluntary, and assent and or consent will be obtained when appropriate. A large portion of the youth sampled will be under age 18 and will be unable to consent to participate in the survey. In some states, correctional administrators may provide consent *in loco parentis* (ILP) for the minors in their custody. In other states, consent from a parent/guardian (PGC) will be required before the youth may be asked to participate in the survey. In all states, after consent from parent, legal guardian or correctional administrator has been obtained, sampled youth will be asked to assent to participation in the survey. Field interviewers will administer the assent protocol. The materials to obtain parent/guardian consent are attached (Attachment 3) along with the youth assent script (in English and Spanish) and mandatory reporting materials (Attachment 4).

Information about the facility will be collected via a web and paper-based self-administered Facility Questionnaire. (See Attachment 5-X and Attachment 5-I-IX for State and non-State agency and facility enrollment materials). The topics addressed in the Facility Questionnaire include facility characteristics, personnel screening, staff training programs, youth assessment and screening, education services, grievance process, and youth education on PREA. The facility questionnaire will be emailed to the

facility to be completed the Wednesday of the week data collection is occurring with youth in the facility. The survey will be accessed via a link provided in an email. For convenience, facility administrators will have the option to print the survey so that data elements can be compiled by different designees within the facility or agency.

In combination with the youth self-reports in the NSYC-core survey, the Facility Questionnaire will offer a unique picture of characteristics of youth that are associated with sexual assault as well as characteristics of the facilities in which victims reside. NSYC-3 will provide updated statistics on the prevalence and correlates of sexual assault in juvenile facilities. Specifically, the data provided by the Facility Questionnaire will allow BJS to assess the relative contribution of facility-level characteristics when accounting for variations in sexual assault rates.

BJS requests approval for all data collection activities related to NSYC-3. As required by PREA, BJS will produce national and facility-level estimates (for large facilities) of sexual assault within juvenile residential correctional facilities. In addition, BJS will produce state-level estimates. All estimates will be reported to Congress through an initial BJS publication, as required under the Act.

The Westat Institutional Review Board (IRB) has reviewed the NSYC-3 study design and procedures. The IRB determined that the study involved minimal risks to research subjects given the voluntary nature of the survey, the consent and assent process, and the resources provided to the respondent that can be accessed either within or outside of the facility. These safeguards built into the study procedures provide maximum anonymity and protection

to the respondents. A copy of the IRB approval notice is attached (Attachment 6).

Data collection for NSYC project is authorized under the Prison Rape Elimination Act (PREA, Public Law 108-79), a copy of which is attached (Attachment 1). The Omnibus Crime Control and Safe Street Act of 1968, as amended (42 U.S.C. 3732; Attachment 7), authorizes BJS to collect and disseminate statistical data on all aspects of criminal justice, including criminal victimization, occurring in the U.S.

## 2. Needs and Uses

This clearance request is to obtain approval to collect sexual victimization data to measure the incidence and prevalence of sexual assault within juvenile correctional facilities as required under the Act.

The purpose of the Act is twofold: first, “to develop and implement national standards for the detection, prevention, reduction, and punishment of prison rape” and second, to “increase the available data and information on the incidence of prison rape, consequently improving the management and administration of correctional facilities.”

The data collected will be used to develop national, state-level, and facility-level (for large facilities) estimates of sexual assault. Data from the survey will be included in a report from the Attorney General, which will be submitted to Congress and the Secretary of Health and Human Services as specified in the Act. The Act also establishes a Review Panel on Prison Rape, which will use data collected in this survey.

The report to Congress will detail results from NSYC-3, including rankings and summary findings.

Users of these data include the following:

U.S. Congress – Congress will receive a report on data collected under the Act. The report will include information about the prevalence of sexual assault nationwide and in each state and in each large facility in the sample.

U.S. Department of Justice – The Review Panel on Prison Rape will solicit testimony from correctional administrators in facilities with the highest and lowest rates of sexual violence as identified in report.

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

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

The Bureau of Justice Assistance (BJA) – Findings from NSYC activities disclosed in the Congressional report may be used to inform research proposals for grant funding opportunities provided in the Act to eradicate prisoner rape in all types of within confinement settings, including juvenile facilities.

Federal, State, and local corrections and juvenile officials and administrators – will use data from the Congressional report to assess and compare trends in youth-on-youth and staff-on-youth sexual violence. The NSYC questionnaires will provide a

common set of concepts, standard definitions, and counting rules that administrators will be able to use as a baseline for comparisons.

### 3. Use of Information Technology

Westat interviewers will conduct interviews using touch screen enabled laptop computers. Interviews will be conducted using ACASI technology. Because of the sensitive nature of measuring sexual assault, youth will read the questions on the survey while simultaneously hearing each question through headphones as it appears on the screen.

Research on ACASI surveys suggests respondents are more willing to disclose sensitive behaviors when the questions are administered via ACASI as opposed to traditional interviewer-assisted methods.

The ACASI methodology also allows respondents with low literacy levels to participate because the audio component provides clear instruction for how to indicate answers and the text is highlighted as the question and corresponding answers are read.

ACASI technology also improves the flow of the interview through built-in skip patterns and filled-in reference periods that tailor specific questions to individual youth and their response patterns. This allows the questions to be tailored by gender, age of respondent, and time in the sampled facility (i.e., “during the past 12 months” or “since you got here,” if the time in facility is shorter than 12 months). This technology also allows for built-in edit checks that ensure higher levels of data quality.

Finally, use of the computer allows for random assignment of youth to one of two questionnaires, as described earlier, and

includes additional questions when necessary to assure a consistent amount time spent taking the survey across respondents, which averaged about 30 minutes in prior NSYC studies.

Data collected on the laptops from the interviews will be securely transmitted on a daily basis to Westat’s central office. At the end of each day of data collection, field interviewers will use their Westat issued laptops to connect to the central Field Operations System (FOS) over the Internet using a Virtual Private Network (VPN) that establishes an encrypted connection using SSL/VPN technology. A security suite will be installed on each laptop to provide an integrated set of controls, including anti-virus, firewall, intrusion detection, and anti-malware, to help protect the laptop and field data while it is connected to the Internet. All management and interview data will be stored in encrypted form on the laptops. These encrypted data packages will be transmitted to the home office daily using these security protocol measures. Attachment 8 describes in detail the Data Security Plan.

The facility survey will be administered via the web and email communication. Unlike a paper survey, a web survey allows for quality control features such as edit checks that provide participants feedback when their numerical responses do not add up or when participants skip a survey question. A paper version of the survey can be printed by the facility administrator and given to an agency designee or designees to respond upon request. Because the facility survey contains questions on personnel as well as other facility characteristics, the availability of a paper copy can facilitate simultaneous and expeditious completion of different survey items. If a facility opts to download a paper version, the responses must still then be compiled and entered through the web

survey so that automated edit checks can be applied.

4. Efforts to Identify Duplication

This research does not duplicate any other work being done by BJS or any other federal agency. BJS is the only government agency that collects national data on the incidence and prevalence of sexual violence within juvenile correctional settings through self-reports of youth.

5. Efforts to Minimize Burden

Data collection efforts entail obtaining information from states, facilities, parents/guardians, and youth. Consistent with efforts in previous rounds, efforts to minimize the burden on facilities include offering staffing assistance for collecting PGC consent (e.g., assigning the tasks to Westat staff). Data collection protocols have been designed to minimize disruption of normal facility operations (including limiting survey operations to a maximum of 5 weekdays, scheduling the data collection periods at the convenience of the facility, conforming to the daily facility schedules, avoiding scheduled programming times and security counts, and providing lists of sampled youth in advance so that staff can provide needed escorts to the survey locations without compromising other activities).

In addition, the facility survey will be administered as a web survey, which reduces respondent burden by building in automatic skip patterns based on answers to previous items and internal edit checks. A paper version will be provided to facilities that prefer to complete the survey on paper.

6. Consequences of Less Frequent Collection

BJS will be unable to meet the requirements of the Prison Rape Elimination Act of 2003 (P.L. 108-179).

7. Special Circumstances Influencing Collection

None. These data will be collected in a manner consistent with the guidelines in 5 CFR 1320.6.

8. Adherence to 5 CFR 1320.8(d) and Outside Consultation

The research under this clearance is consistent with the guidelines in 5 CFR 1320.6. Comments on this data collection effort were solicited in the Federal Register, Vol. 82, No. 107, page 26119 on June 6, 2017. There were three requests for the survey instruments, one comment received on the data collection effort, and multiple comments received on the youth survey instrument.

Comment from:	Comment:
Meghan Maury Policy Director National LGBTQ Task Force <a href="mailto:mmaury@thetaskforce.org">mmaury@thetaskforce.org</a> (202) 639-6322	“Your process around choosing questions that would work the phenomenal. I love that you impacted young folks in your making process.  I’d love to see what the final product like when you submit to OMB!”
Kevin Thompson Workforce Analyst U.S. Department of Labor <a href="mailto:Thompson.Kevin@dol.gov">Thompson.Kevin@dol.gov</a>	Offered comment on how computers by juvenile re correction is something that fit goals of the Broadband Working Group (BIWG).

<p>Mark Soler Jason Szanyi Jennifer Lutz Center for Children’s Law and Policy 1701 K Street, NW, Suite 1100 Washington, DC 20006 <a href="http://www.cclp.org">www.cclp.org</a></p>	<p>Add an item to explore the connection of commercial sexual exploitation with sexual victimization.</p> <p>History of Youth Victimization Policy</p> <p>1. Before coming here, has anyone ever offered you money, food, drugs, or a place to stay or anything else in exchange for any kind of sexual contact?</p> <p>a. Yes b. No</p>	<p>Mark Soler Jason Szanyi Jennifer Lutz Center for Children’s Law and Policy 1701 K Street, NW, Suite 1100 Washington, DC 20006 <a href="http://www.cclp.org">www.cclp.org</a></p>	<p>Amend existing questions to include options regarding retaliation involving solitary confinement.</p> <p><i>(add)</i> E32.* Did (this staff member or those staff members) do any of the following AFTER this happened?</p> <p>c. Threatened to move you somewhere where you would be isolated separate from contact with other youth if you told on them.</p> <p><i>(as a response option)</i></p>
<p>Mark Soler Jason Szanyi Jennifer Lutz Center for Children’s Law and Policy 1701 K Street, NW, Suite 1100 Washington, DC 20006 <a href="http://www.cclp.org">www.cclp.org</a></p>	<p>Amend existing questions to include answer options regarding retaliation involving solitary confinement.</p> <p>C29. How were you forced or pressured in some other way? CHECK ALL THAT APPLY. (NSYC-2)</p> <p><i>(add)</i> A staff member threatened to move you to a place where you would be isolated or separated from contact with other youth</p> <p><i>(as a response option)</i></p> <p><i>(add)</i> C37. (If the youth answered YES to C36) After you reported the incident with the staff member, were you isolated or separated from contact with other youth?</p> <p>a. Yes b. No</p> <p><i>(add)</i> C38. (If the youth answered YES to the above question) How long did you remain isolated or separated from contact with other youth after you reported the incident to facility staff?</p> <p>a. Less than 3 hours.....</p> <p>b. Between 3 and 6 hours .....</p> <p>c. 6 hours or more but less than 1 day.....</p> <p>d. 1 day or more but less than 1 week .....</p> <p>e. 1 week or more.....</p>		

<p>Mark Soler Jason Szanyi Jennifer Lutz Center for Children’s Law and Policy 1701 K Street, NW, Suite 1100 Washington, DC 20006 <a href="http://www.cclp.org">www.cclp.org</a></p>	<p>Amend the existing questions to ensure the full range of the use of solitary confinement to ensure that they capture the full range of the use of solitary confinement</p> <p><i>(add)</i> SC2.* What was the reason you were isolated or secluded in a separate room other than your own room without contact with other youth? (NEW)</p> <p>d. To protect you from harming yourself <b>because you told someone you were thinking about harming yourself</b>.....</p> <p>and</p> <p>f. You identify as lesbian, gay, bisexual, transgender or intersex, or staff think that you are.</p> <p><i>(as response options)</i></p>	<p>Amend the existing questions to ensure the full range of the use of solitary confinement to ensure that they capture the full range of the use of solitary confinement</p> <p><i>(add)</i> SC5.* Since coming to this facility have you been isolated or secluded in a separate room without contact with other youth? (NEW)</p> <p>a. YES.....</p> <p>b. NO.....</p> <p><i>(add)</i> SC6. What was the reason you were isolated or secluded to your own room?</p> <p>a. You were accused of or punished for breaking the rules .....</p> <p>b. You were waiting to be moved to another unit or facility .....</p> <p>c. You were sick or another medical reason...</p> <p>d. To protect you from harming yourself because you told someone you were thinking about harming yourself.....</p> <p>e. To protect you from being harmed by others.....</p> <p>f. You identify as lesbian, gay, bisexual, transgender or intersex, or staff think that you are.</p> <p>SC10. (If youth Answered YES to the proposed SC5) Did you have a meeting to speak with your case worker, social worker, counselor after your seclusion in a separate room or in your own room?</p> <p>YES.....</p> <p>NO.....</p>	
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In developing the NSYC study design, BJS has consulted with federal, state, and local corrections administrators as well as representatives from their professional organizations, prisoner rights advocates, former inmates, specialists in prison rape research, practitioners, and survey methodologists. These individuals have and will continue to provide valuable input regarding the development of the questionnaires, definitions and counting

rules, anticipated data analysis, and data presentation.

In designing the questionnaires and collection procedures, BJS convened a panel of experts to attend a national workshop in Washington, DC, on April 28-29, 2016. Participants were given an opportunity to review the draft NSYC-3 questionnaires and to provide input into the methodologies under development. The following experts were consulted:

Ben Adams  
Social Science Analyst  
Office of Juvenile Justice and Delinquency Prevention

Joe Blume  
Program Coordinator  
Idaho Department of Juvenile Corrections

Emily Chonde  
Policy Advisor  
Bureau of Justice Assistance

Lisa Copeland  
Statewide PREA Coordinator  
Kansas Department of Corrections, Juvenile

Chris Daley  
Deputy Executive Director  
Just Detention International

Brecht Donoghue  
Deputy Associate Administrator  
Office of Juvenile Justice and Delinquency Prevention

Tara Graham  
Senior Program Specialist  
National PREA Resource Center

Kathy Halvorson  
Warden  
Minnesota Department of Corrections

LaShana M. Harris  
Assistant Director and PREA Compliance Officer  
Kentucky Department of Juvenile Justice

Erin Hickey  
Curriculum Research and Development Coordinator  
North Carolina Dept. of Public Safety,  
Division of Adult Correction and Juvenile Justice

Ned Loughran  
Executive Director  
Council of Juvenile Correctional Administrators

Avery Niles  
Commissioner  
Georgia Department of Juvenile Justice

Harvey Reed  
Director  
Ohio Department of Youth Services

Lovisa Stannow  
Executive Director  
Just Detention International

Dallas Tully  
PREA Coordinator  
Oregon Youth Authority

Luis Valentin  
Chief of Employee Relations and Legal Affairs  
New Jersey Juvenile Justice Commission

Jerome Williams  
PREA Compliance Department  
Texas Department of Juvenile Justice  
Maria Woolverton  
Senior Social Science Research Analyst  
Team Leader for Child Welfare Research

Office of Planning, Research and Evaluation  
ACF/DHHS

BJS also reviewed the new topics and draft items at two national conferences, with professionals from the field of corrections in January and August 2016. Feedback from key stakeholders in the national workshop and the two national meetings was used to revise items for the NSYC-3 questionnaires.

Development of the Facility Questionnaire was enhanced by the expert review of individuals working in juvenile corrections. The following representatives were consulted in the creation of the Facility Questionnaire:

Sam Abed  
Secretary  
Maryland Department of Juvenile Services

PREA Coordinator  
Oregon Youth Authority

Joe Blume  
Program Coordinator  
Idaho Department of Juvenile Corrections

Lisa Bjergaard  
Director  
North Dakota Division of Juvenile Services

Lisa Copeland  
Statewide PREA Coordinator  
Kansas Department of Corrections,  
Juvenile Services

Michael Dempsey  
Executive Director  
Council of Juvenile Correctional  
Administrators  
Kathy Halvorson  
Warden  
Minnesota Department of Corrections

Erin Hickey  
Curriculum Research and Development  
Coordinator  
North Carolina Dept. of Public Safety  
Division of Adult Correction and Juvenile  
Justice

Dallas Tully

9. Paying Respondents

No payments or gifts will be offered to respondents.

10. Assurance of Confidentiality

All respondents, as well as all correctional facility administrators who participate, will be given written assurance that the identity of all participants, victims, and perpetrators will be protected as required under Title 42, United States Code, Section 3732 (Attachment 9-I). BJS and Westat will hold in confidence any information that could identify an individual according to Title 42, United States Code, Sections 3735 and 3789g (Attachment 9-II and 9-III). Rates of sexual violence at the state and facility level (for large facilities) will be published, as required under the Act.

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

Further, BJS has randomized the survey administration and added modules based on elapsed survey time to ensure that no correctional official, inmate, or the field representative will know which questionnaire is administered, or can make assumptions based on the time taken by individual respondents to complete the survey (see Section 1).

Although it will be impossible for survey data provided through the ACASI system to be linked to individual respondents, if a respondent verbally reports any incident of abuse or harm, study personnel will follow state and local mandatory reporting regulations. Youth will be informed of this procedure during the assent process. Provision for such reports is authorized by amendment to the PREA (Attachment 1).

BJS and Westat will receive all requisite approvals from state- and facility-level IRBs to ensure that the data collection procedures are in compliance with human subjects protection protocols and confidentiality regulations.

11. Justification for Sensitive Questions

The Act requires BJS to collect highly sensitive information. See Section 4 of Public Law 108-79 (Attachment 1). According to extant research, it is beneficial to begin broadly and narrow down when asking questions about sensitive topics. BJS has employed this approach by first asking a series of screening questions to identify youth who have had any type of sexual contact (e.g., manual, oral, penetrative, and “other” contact). These behaviorally specific questions ask about contact in general, without regard to characteristics of the other person (e.g., gender) or the use

of force. Youth who respond affirmatively to any of these screening questions are asked follow-up questions to determine the nature of the contact.

This two-stage method is multi-purpose. First, it avoids problems associated with single stage data collection, which is to ask a global binary (yes/no) question leaving the instrument with limited ability to specifically define what is meant by sexual assault or sexual violence and leaving interpretation largely in the hands of the respondent. Second, the research literature in this area notes that sexual assault, particularly in correctional facilities, occurs on a continuum from no coercion at all to serious physical violence as the tactic. The lesser kinds of coercion may be underreported as consensual unless the behavior (i.e., type of sexual contact) is linked to a specific tactic (e.g., coerced, pressured, or forced sexual activity) utilizing this two-stage approach.

BJS has implemented several safeguards to protect youth against undue trauma or distress. In states where the facility requires parental consent for minors, a legal guardian of the youth must first be contacted to obtain permission for the minor to participate in the interview. If the guardian feels the study is inappropriate or otherwise might upset the youth, permission for the youth to participate can be denied. If this occurs, the youth will not be asked to participate in NSYC-3. For all youth, a separate assent process informs them that they will receive a questionnaire which might include questions about their sexual experiences in the facility or questions about facility living conditions, treatment programs and services, and their post-release plans. They will also be told that they can request counseling services from facility-based or outside providers should they request them. This information will be conveyed during the assent process and repeated again at the conclusion of the ACASI interview. Interviewers will be trained to monitor for youth who become noticeably upset or agitated while taking the interview. Should this occur, the interviewers will ask the youth if they would like to talk to a facility or outside counselor.

## 12. Estimate of Respondent Burden

We request a total of 12,533 hours (6,450 facility staff and 6,083 youth). The total respondent burden, including both facility staff and youth, is summarized in Table 1 below. This estimate is based on our experience with previous NSYC studies and a pilot test of the NSYC-3 instrument conducted in facilities with 151 youth. Facility staff will be engaged in the following activities: (1) arranging for the data collection visit; (2) completing the Facility Questionnaire (see Attachment 5-X); (3) providing, updating, and verifying the roster (see Attachment 10); (4) providing administrative information for each sampled youth; (5) mailing information packets to parents, in cases where Westat is not permitted to do so directly; (6) contacting parents by phone; and (7) escorting youth to and from interviews.

The total estimated staff burden for these activities is **6,450** hours. Expected burden placed on youth for this data collection averages 7 minutes per respondent for the assent and 35 minutes for survey administration. While 9,703 youth will be approached to participate, we estimate that 8,690 will consent and complete the survey. This results in a total estimated youth burden of **6,083** hours.

**Table 1. Respondent Burden for the NSYC-3 Interviews and Facility Questionnaires**

Description of Service		Burden		Total expected burden hours
		hrs per response	Number of responses	
Facility	Provide facility information and initial logistics	0.33	354	117
	Complete Facility Questionnaire	1.00	354	354
	Provide initial roster	1.25	354	443
	Update roster	2.00	354	708
	Verify roster	2.00	354	708
	Mail parent/guardian consent packets	7.00	104	728
	Telephone parents/guardians	13.33	70	933
	Escort youth to/from interview	0.25	9,838	2,460
Youth	Assent administration time	0.12	8,690	1,043
	Youth, Interview time – ACASI	0.58	8,690	5,040
TOTAL BURDEN				12,533

13. Estimate of Respondent’s Cost Burden

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

The total respondent cost to the facilities includes the staff time needed to complete the tasks described in Section 12. At an estimate of \$31.30 per hour<sup>2</sup> for 6,450 hours, the estimated respondent cost burden for the entire national survey is **\$201,882**.

14. Costs to Federal Government

The total estimated cost to the government for the collection and dissemination of the NSYC-3 survey is estimated at **\$8,147,704**. This consists of three components:

Costs associated with the cooperative agreement between BJS and Westat:

Survey and instrument planning, development, management, processing, equipment and supplies	\$3,407,432
Training, travel and data collection	\$4,592,566
<b>Total costs</b>	<b>\$7,999,998</b>

Costs associated with BJS staff for fiscal year 2018:

GS-13 Statistician (25%)	\$26,069
SL-00 Senior Statistical Advisor (10%)	\$18,600

<sup>2</sup> May 2015 occupational employment and wages estimate for first-line supervisors of correctional officers (Source: <https://www.bls.gov/oes/current/oes331011.htm>).

Benefits (28% of salaries)	\$12,507
<u>Other administrative costs (15% of salary &amp; fringe)</u>	<u>\$6,700</u>
Total estimated costs	<b>\$63,876</b>

Costs associated with BJS staff for fiscal year 2019:

GS-13 Statistician (35%)	\$36,497
GS-15 Supervisory Statistician (10%)	\$14,937
Gs-13 Technical Editor (3%)	\$3,233
GS-12 Production Editor (2%)	\$1,807
GS-13 Digital Information Specialist (2%)	\$2,149
Benefits (28% of salaries)	\$16,414
<u>Other administrative costs (15% of salary &amp; fringe)</u>	<u>\$8,793</u>
Total estimated costs	<b>\$83,830</b>

15. Reasons for Change in Burden

The overall number of burden hours requested has declined from 13,161 (NSYC-2) to 12,533 (NSYC-3). Relative to NSYC-2, two changes affect burden: The first is a reduction of estimated youth interviews. Table 1 reflects a reduction in the number of estimated youth interviewed from 9,950 in NSYC-2 to 8,690 in NSYC-3. While the average length of the youth interview has increased from 30 to 35 minutes, this increase is offset by the smaller number of youth interviews expected for NSYC-3. The second factor is that the estimated number of participating facilities has decreased from 363 to 354, reflecting national trends in fewer juvenile facilities.

16. Project Schedule and Publication Plans

Initial findings that meet PREA requirements to provide state and facility-level estimates from NSYC-3 will be published in October 2019. Additional reports will be issued in 2020, including a BJS Special Report on *Circumstances Surrounding Sexual Victimization in Juvenile Correctional Facilities, 2018-19* (a detailed examination of risk factors and incident characteristics) and a BJS Report on *Facility-Level and Individual-Level Correlates of Sexual Victimization in Juvenile Facilities, 2018-19* (an examination of facility-level characteristics that predict sexual victimization).

17. Display of Expiration Date

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

18. Exceptions to the Certification Statement

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