

SUPPORTING STATEMENT
Survey of Sexual Victimization, 2017, 2018, and 2019

A. Justification

1. Necessity of Information Collection

On September 4, 2003, the Prison Rape Elimination Act of 2003 (PREA) was signed into law (Public Law 108-79, see Attachment 1). PREA requires the Bureau of Justice Statistics (BJS) to “carry out, for each calendar year, a comprehensive statistical review and analysis of the incidence and effects of prison rape.” The law was passed in part to overcome a shortage of available data on the incidence and prevalence of sexual victimization within correctional facilities.

To implement PREA, BJS developed the National Prison Rape Statistics Program (NPRSP), which includes four separate data collection efforts: the Survey of Sexual Victimization (SSV, formerly the Survey of Sexual Violence), the National Inmate Survey (NIS), the National Survey of Youth in Custody (NSYC), and the National Former Prisoner Survey (NFPS). Each of these collections is independent and, while not directly comparable, provides various measures of the prevalence and characteristics of sexual victimization in correctional facilities. The NIS (OMB No. 1121-0311), with data collection in 2007, 2008-09, 2011-12, and 2019-20 (scheduled) gathers allegations of sexual victimization self-reported from inmates in correctional facilities. The NSYC (OMB No. 1121-0319), with data collection in 2008-09, 2012, and 2018-19 (scheduled), collects allegations of sexual victimization self-reported by youth in juvenile correctional facilities. The NFPS (OMB No. 1121-0316), a one-time collection in 2008-09, measured allegations of sexual victimization experienced during their last incarceration as reported by former inmates on active supervision.

The SSV series (OMB No. 1121-0292), in its 13th year, collects data concerning all allegations of sexual victimization reported to correctional authorities as well as those that are substantiated. Part of the NPRSP, SSV is an administrative records collection from all federal and state prison systems, all state operated juvenile systems, all military facilities, and a representative sample of local jails, private jails and prisons, local and privately operated juvenile facilities, facilities in Indian country, and facilities operated by Immigration and Customs Enforcement (ICE). The SSV is the only data collection based on administrative records that reports on the incidence and prevalence of sexual victimization. This collection provides system-level and facility-level estimates of allegations of sexual victimization and investigative outcomes for the 12-month period ending December 31 of each year. It fulfills part of PREA and allows BJS to report statistics to Congress each year, as required by PREA.

The survey received OMB approval in 2004, 2007, 2011, 2014, and in 2016 with a 1-year conditional approval which expired April 30, 2018. BJS requests approval to reinstate the SSV collection for 3 years (July 1, 2018 – June 30, 2021), covering collection years 2017 through 2019.

The SSV Summary Forms (i.e., SSV-1, SSV-2, SSV-3, SSV-4, SSV-5, SSV-6, see Attachment 2) are used to collect aggregate counts of allegations of inmate-on-inmate (or youth-on-youth) and staff-on-inmate (or staff-on-youth) sexual victimization, including how many were substantiated, unsubstantiated, unfounded, or pending investigation. An SSV Substantiated Incident Form (i.e., SSV-IA, SSV-IJ, see Attachment 2) is completed for each sexual victimization that was substantiated, and gathers incident-level information, including the characteristics of the victim(s) and perpetrator(s), where the incident took place, and any sanctions that were imposed on perpetrator(s).

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

2. Needs and Uses

The SSV provides data on the incidence and prevalence of sexual victimization within correctional facilities as well as how those facilities record and respond to such incidents. The purposes of PREA include “*increase the available data and information on the incidence of prison rape, consequently improving the management and administration of correctional facilities.*” The SSV helps meet this goal, as it is the only annual, national administrative data collection on sexual victimization in custody that uses standardized definitions. BJS publishes national-level and facility-level data based on the SSV results.

Data from the SSV have been published for collection years 2004-2015 for adult correctional facilities and 2004-2012 for juvenile correctional facilities. The most recent reports available are entitled, *Sexual Victimization Reported by Adult Correctional Authorities, 2012–15* (NCJ 249145, July 2018), *Sexual Victimization Reported by Juvenile Correctional Authorities, 2007–2012* (NCJ 249145, January 2016) and *Survey of Sexual Violence in Juvenile Correctional Facilities, 2007 –12 - Statistical Tables* (NCJ 249143, January 2016). Survey operations were recently completed for the 2016 collection year.

Based on the 2015 SSV collection for adult facilities, there were an estimated 24,661 allegations of sexual victimization in correctional facilities holding state and federal prisoners, local jail inmates, and persons under the jurisdiction of Indian country, military, and Immigrations and Customs Enforcement (ICE) facilities. The rate of sexual victimization in these facilities was 11.04 allegations per 1,000 inmates in 2015, up from 3.90 in 2011. More than half (58%) of the allegations involved sexual victimization by staff toward inmates, and the remainder (42%) involved sexual victimization by inmates toward other inmates. About 8% of allegations filed in 2015 were substantiated upon investigation (1,473).

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

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

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

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

Users of these data include the following:

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

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

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

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

National Institute of Corrections (NIC) – is responsible for establishing a “national clearinghouse for the provision of information and assistance to federal, state, and local authorities responsible for the prevention, investigation, and punishment of instances of prison rape.” NIC also developed periodic training and educational programs for “... authorities responsible for the prevention, investigation, and punishment of instances of prison rape.” BJS has presented SSV data at numerous NIC-sponsored conferences, including conferences on staff sexual misconduct, developing risk assessments for sexual victimization, and the victimization of women and girls in prison and jails.

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

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

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

Federal, state, local corrections, and juvenile officials and administrators – use data from the SSV to assess and compare trends in inmate-on-inmate, youth-on-youth, staff-on-inmate, and staff-on-youth sexual victimization. The SSV collections are especially

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

Other groups and researchers – have used the SSV results to identify critical deficiencies in the treatment of victims and sanctioning of staff perpetrators.

3. Use of Information Technology

The SSV is a mixed mode data collection. Facilities can respond by Web, paper, PDF, phone, or fax. Each year, each system or facility in the sample receives an ID and password enabling respondents to complete the survey on the Web. To reduce waste and cost, only facilities with no history of responding by Web receive paper forms. (Prior to mailing SSV 2016, BJS identified 448 respondents that submitted their SSVs via Web in previous years.) Beginning in 2014 at the request of several respondents, BJS created fillable PDFs, enabling the non-Web respondents to keep a searchable electronic copy of their forms.

The number of respondents submitting their data via Web has increased over the years. For SSV 2008, 36% of respondents submitted data online. For SSV 2010, web responses comprised 42%. For SSV 2011 to 2016, about half of all respondents submitted their data online. However, BJS has found that a mixed mode of collection is vital because many jail and juvenile administrators, particularly small local or privately operated facilities that are not in the sample each year, prefer to respond via paper or pdf rather than the Web. In 2016, fewer than half (45%) of the local and private juvenile facilities used the Web, 41% responded by paper (mail or fax), and the remainder responded by phone or PDF (email). The number of adult jails using the Web survey has increased from 49% for SSV 2015 to 55% for SSV 2016. In comparison, three-quarters of adult and juvenile state systems responded via Web (up from two-thirds for SSV 2015), and the remaining one-quarter responded by paper (mail or Fax) or PDF.

Three benefits to respondents using the Web include automated checks that flag data inconsistencies so they can be corrected prior to submission, immediate confirmation of their data submission, and the ability to print and save their forms. Three benefits to BJS of online reporting include—

- reduced cost – paper forms are not printed and mailed to known web respondents, reducing printing and postage costs; respondents key their data directly into the web application, reducing data entry costs
- better data quality – data checks built into the web application alert respondents to inconsistent answers, reducing data errors.
- increased efficiency – data are entered once and automatically exported from the web application to the SSV database.

Two improvements are under development for SSV 2017. The first is the addition of a skip pattern in the substantiated incident form that takes respondents to the applicable perpetrator section (inmate or staff) depending on their response to item 17, type of

incident. The second improvement under development is the capability for respondents to upload their PDFs (either fillable or scanned). Currently respondents using the PDF forms either print then mail a paper copy of the forms, or attach the PDFs to an email. Benefits to the respondents of the fillable PDFs include the ability to copy a form with information common to multiple incidents rather than enter the same information multiple times, and to save searchable electronic copies of their forms. Benefits to respondents of being able to upload their forms include fast submission, security, and, for those with multiple substantiated incident forms, no issues with email limitations on attachment size. The ability to upload fillable PDFs also benefits BJS and the data collection agent with reduced cost because the data can be imported rather than keyed.

All SSV reports are available on the BJS website. SSV summary data and supporting documentation will be made freely available to the public through the National Archive of Criminal Justice Data (NACJD), one of the topical archives of the Inter-University Consortium for Political and Social Research (ICPSR) at the University of Michigan. Access to these data permits analysts to identify the specific responses of individual agencies and to conduct statistical analyses.

4. Efforts to Identify Duplication

The SSV is not duplicated by any other program or government agency. No other program employs uniform criteria and comparable definitions when collecting administrative sexual victimization data from federal and state prisons, local jails, and juvenile residential placement facilities. BJS is the only government agency that collects national data on the incidence and prevalence of sexual victimization within correctional settings. SSV is the only collection that gather information on outcomes of investigations and details of incidents that have been substantiated.

5. Efforts to Minimize Burden

The SSV data collection includes definitions and counting rules for five types of sexual victimization. In 2012, the Department of Justice issued *National Standards to Prevent, Detect, and Respond to Prison Rape* (28 C.F.R. part 115). To be consistent with these Standards, *inmate-on-inmate sexual harassment* was added to the SSV in 2013. BJS has learned that these definitions have not only brought jurisdictions closer together in their data comparability, but they have also been very useful in aiding jurisdictions in shaping and streamlining their own mandated data collections on the incidence and prevalence of sexual victimization within their facilities.

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

6. Consequences of Less Frequent Collection

The Bureau of Justice Statistics is required by law (P.L. 108-79, see Attachment 1) to collect data annually. The SSV data collection is the only PREA collection at BJS that

meets this annual requirement. A less frequent collection would therefore not meet the requirements of PREA.

7. Special Circumstances

No special circumstances have been identified for this project.

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

On February 26, 2018, a 60-Day Federal Register Notice was published at Volume 83, Number 38, page 8300. One request for survey instruments indicating proposed changes and six comments were received and responded to. A seventh comment was received after the 60-day notice expired, and also responded to. (See Attachment 4.) The SSV collection is consistent with the guidelines in 5 CFR 1320.6. The 30-day notice was published in the Federal Register, Volume 83, Number 147, page 36968 on July 31, 2018.

Comment 1: Defining abusive sexual contact separate from nonconsensual sexual acts introduces additional burden.

Response to Comment 1: No change. Respondents who are not able to separate allegations of abusive sexual contact from allegations of nonconsensual sexual acts should check *response 02 No* for *item 4 Can these be counted separately* (SSV-2). The distinction between nonconsensual sexual acts (which involve penetration no matter how slight) and abusive sexual contact (no penetration) is included in the PREA definition of inmate sexual abuse and has been collected separately from nonconsensual sexual acts by SSV since the first survey was fielded in 2004. This distinction is important to PREA because the severity of the act impacts the level of medical attention required, changes in housing assignments, and sanctions imposed on the perpetrator.

Comment 2: SSV asks whether the nonconsensual sexual acts recorded by the respondent include both attempted and completed acts or completed acts only, but some attempted acts do not rise to the PREA definition of nonconsensual sexual acts.

Response to Comment 2: No change. If an attempted act does not meet the PREA definition of sexual abuse, then it should not be reported on the SSV. However, most attempted (but not completed) nonconsensual sexual acts meet the definition of abusive sexual contact. If the respondent does not record attempted acts, they may indicate that by checking *response 02 Completed acts only* for *item 1b Do you record attempted . . . acts or only completed ones* (SSV-2).

Comment 3: Evaluate the accuracy of the estimated burden of completing SSV. It takes the commenter 30 to 45 minutes to complete the SSV-2 Summary form and 90 to 120 minutes to complete each SSV-IA Substantiated Incident form. Each Substantiated Incident form undergoes a 4-tier review process: the investigator completes the SSV-IA; the form is then reviewed by the PREA Analyst, who completes a revised form; next, the form is reviewed by an Agency-Wide PREA team, which completes a final draft; the final draft is forwarded to their Commissioner for final approval. Upon approval, each

incident form is then submitted through the Web survey, which requires that each form be retyped.

Response to Comment 3: No change to burden estimate for Summary forms, BJS will work with agencies to improve response time for Substantiated Incident forms.

The time it takes the commenter to complete the SSV-2 is within the estimated time listed on the form (60 minutes for states). The time it takes the commenter to complete and verify each SSV-IA is more than the estimated average of 30 minutes. It is unclear whether the commenting agency is using paper forms or fillable PDFs for each stage of review. BJS recommends the use of fillable PDFs to minimize the time needed to make changes during each step of their 4-tier review process because the fillable PDFs are dynamic (any data elements in need of correction by the PREA Analyst or the Agency-Wide PREA team can be changed without reentering the answers for unchanged data elements). And, as mentioned above, we are in the process of developing and implementing the capability to upload fillable PDFs, which would eliminate the need for the respondent to type their answer to each form in order to submit it online. BJS will also be investigating methods of electronic reporting which would allow respondents to provide data files (database or spreadsheet, for example) from which the Census Bureau would extract the data needed for SSV.

Comment 4: Requested that the quality, utility, and clarity of information be enhanced through modifying answer categories for several items on the Substantiated Incident form (SSV-IA, IJ), and through collecting updates for ongoing investigations reported on the Summary form (SSV-1, 2, 3, 4, 5, 6) in previous reference years.

Response to Comment 4: BJS will delete answer category *Voluntary sexual contact*. No other changes are being requested for the SSV 2017 collection. Most of the suggested changes require testing. See item by item responses below.

- **Comment 4a, Item 4, Video monitoring:** Expand the answer categories to include both *fixed* and *portable* video recording devices.
Response: No change for SSV 2017. BJS will evaluate the capacity and burden for others to make this distinction and report it on SSV.
- **Comment 4b, Item 17, Type of sexual assault:** Expand the answer categories to include an unidentified type of perpetrator (i.e., do not know if inmate or staff).
Response: No change for SSV 2017. BJS will evaluate how frequently this occurs. In the meantime, the respondent will be advised to leave items 17 through 39 blank, and write a note at the end of the form.
- **Comment 4c, Items 25 and 26, Nature of incident and Type of force used:** Remove voluntary sexual contact between inmates (*item 25*) and expand answer categories to include lack of capacity to consent (*items 25 and 26*).
Response: BJS will remove 01 Voluntary sexual contact from the answer categories for item 25. No other changes for SSV 2017. *Item 25* answer category *01 Voluntary sexual contact* was originally included because respondents were including voluntary contact and this answer category was needed to differentiate between voluntary and involuntary acts. However, voluntary contact is not covered under PREA, so there is no need for this answer

category. BJS will conduct testing before adding the suggested category, *lack of ability to consent*, to *items 25 and 26*. In the meantime, the respondent will be advised to check *Other* and write in “lack of capacity to consent.”

- **Comment 4d, Item 37, Position of staff:** Limit *answer category 02* to *correctional officer* and expand other answer categories to include additional specific types of staff.

Response: No change for SSV 2017. Answer categories for position of staff were expanded in 2013 based on commonly written-in responses. Currently, *response 02* is *Correctional officer or supervisory staff*. “Counselor” is currently included in *response 05 Medical or health care staff*. BJS will contact the commenter to obtain more information on why these specific categories were suggested. Again, BJS will conduct testing before making any changes. In the meantime, if a case manager or case worker perpetrator provides counseling or mental health services, the respondent will be advised to check *response 05 Medical or health care staff*. If they do not provide counseling or mental health services, then *response 07 Other program staff* should be checked.

- **Comment 4e, SSV-2, outcomes of investigations:** Include a way for respondents to update outcomes of investigations that were ongoing at the time of data submission and closed later.

Response: No change for SSV 2017. SSV is a “point in time” collection. To simplify the data collection and keep burden at a minimum, SSV does not collect information on investigations that were completed after the respondent has submitted their data. BJS will conduct testing to determine whether respondents are able to provide updated information, and how much burden it would add for respondents to a) identify which cases were concluded after their last data submission, b) include that information in a subsequent report in a way that does not double-count allegations previously reported, and c) adjust for facilities that are not selected in the sample each year.

Comment 5: Requested that burden be reduced by developing automated reporting technologies.

Response to Comment 5: As mentioned above, BJS has developed fillable PDFs, which are less burdensome to complete and modify than paper; BJS is developing the capacity to upload PDFs online; and BJS will be developing automated reporting technologies, and will ask the commenter to be one of the first respondents to use it.

Comment 6: Contended that SSV duplicates a CDC study, is a waste of funding, and BJS issues only press releases (not findings).

Response to Comment 6: The CDC conducts the National Intimate Partner and Sexual Violence Survey, which is a survey of households that gathers information on intimate partner violence, sexual violence, and stalking. SSV is the only data collection that collects information on sexual victimization in correctional settings using administrative data. Reports based on SSV data are listed above under 2. *Needs and Uses* and below under 16. *Project Schedule and Publication Plans*.

Comment 7: Requested that “pregnancy testing” be added as an answer category to *item 15 Medical follow-up* because PREA §115.83(d) requires facilities to offer pregnancy testing to inmate victims, and that “pregnancy” be added as an answer category to *item 13 Physical injury*.

Response to Comment 7: No change for SSV 2017. BJS will conduct testing before adding the suggested response categories to *items 13* and *15*. In the meantime, for *item 13 Physical injury*, the respondent will be advised to check *response 08 Other* and write in “pregnant.” For *item 15 Medical follow-up*, the respondent will be advised to check *response 08 None of the above* and write “pregnancy testing” in the *Notes* section on the last page of the SSV-IA.

On April 30, 2017, OMB issued a 1-year clearance for SSV. The terms of clearance were that BJS conduct further testing of the items regarding sex and gender identity on the Substantiated Incident form (see Attachment 2, SSV-IA and SSV-IJ *items 7, 10, 19, and 22*).

To address the terms of clearance, BJS selected nine SSV respondents that had completed at least one Substantiated Incident form in the past 3 years. Selections were made so that all geographic locations, facility types, populations, sizes, and sex or gender identities of victims/inmate perpetrators were included. (See Table 7 in *Supporting Statement Part B* for a summary of these criteria for the selected respondents.)

BJS interviewed the following nine SSV respondents:

Sgt. Greg Nelson
Supervisory Investigator
Los Angeles Co. Jail
441 Bauchet Street
Los Angeles, CA 90012
213-893-5878

James Davis
PREA Coordinator
Wayne Co. Jail
4747 Woodward Avenue
Detroit, MI 48201
313-224-2266

Chad Jackson
Jail Administrator
Stutsman Co. Correctional Center
205 6th Street Southeast, Suite 201
Jamestown, ND 58401
701-252-7436

Teresa Stroud
PREA Coordinator
Texas Juvenile Justice Department
PO Box 12757
Austin, TX 78711
512-490-7004

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

Col. Joel Odom
Director of Investigations
Louisiana Dept. of Public Safety and
Corrections
PO Box 94304, Capital Station
Baton Rouge, LA 70804
225-342-1153

Dallas Tully
PREA Analyst
Oregon Youth Authority
530 Center Street, NE, Suite 200
Salem, OR 97301
503-507-6007

Megan Schacht
PREA Coordinator
Juvenile Detention Center
105 S. Central Ave
Clayton, MO 63105
314-615-4498

Sarah Bocoles
PREA Analyst
George W. Hill Correctional Facility
(GEO Group)
500 Cheyney Road
Thornton, PA 19373
610-361-3291

All nine facilities screen for sex and gender identity at intake through observation or a series of questions (self-report). All nine facilities screen all inmates/youth for sex (male/female). Seven facilities screen all inmates/youth for intersex. The other two facilities screen only those who do not appear to be obviously male or female. Eight facilities screen all inmates/youth for gender identity (transgender). The remaining facility is small and screens only those who do not appear to be obviously male or female. All nine facilities said the items on sex and gender identity of victims and inmate/youth perpetrators (*items 7, 10, 19, and 22*) were easy to answer, and that the data on sex and gender identity was neither easier nor harder to access than the other information needed to respond to the SSV Substantiated Incident forms. Additional results are summarized in *Supporting Statement Part B, Section 4. Final Testing of Procedures*.

9. Paying Respondents

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

10. Assurance of Confidentiality

BJS is authorized to conduct this data collection under 34 U.S.C. § 10132(c) and P.L. 108-79. BJS is dedicated to maintaining the confidentiality of personally identifiable information (PII), and will protect it to the fullest extent under federal law. (See Attachment 5.) BJS, its employees, and its data collection agents will use the information provided for statistical or research purposes only, and will not disclose personally identifiable information in identifiable form without the respondent's consent to anyone outside of the BJS project team. All personally identifiable data collected under BJS's authority are protected under the confidentiality provisions of 34 U.S.C. § 10231, and any person who violates these provisions may be punished by a fine up to \$10,000, in addition to any other penalties imposed by law. Further, per the Cybersecurity Enhancement Act of 2015 (6 U.S.C. § 151), federal information systems are protected from malicious activities through cybersecurity screening of transmitted data. For more information, go to www.bjs.gov/content/pub/pdf/BJSDataProtectionGuidelines.pdf.

The Prison Rape Elimination Act requires that facility- and system-level counts and rates be reported to Congress and used by the Prison Rape Review Panel.

11. Justification for Sensitive Questions

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

12. Estimate of Respondent Burden

In 2012, the Department of Justice issued *National Standards to Prevent, Detect, and Respond to Prison Rape* (28 C.F.R. part 115). In order to detect possible patterns and help prevent future incidents, these standards include the requirement for agencies¹ to collect and aggregate data regarding incidents of sexual abuse (§115.87 (a-b)). At a minimum, these data must include sufficient information to fully answer all questions in the Survey of Sexual Victimization (SSV) conducted by DOJ (§115.87 (c)). To be compliant with these standards, agencies are required to provide such data upon request for each calendar year they are selected in the SSV sample (§115.87 (f)).

BJS anticipates sending out 1,574 forms for collection year 2017. There are six versions of the SSV summary form, one specific to each type of system or facility: the Federal

¹ "Agencies" refers to all public and private correctional systems, jurisdictions, and facilities as described throughout this document.

Bureau of Prisons (SSV-1); state prison systems (SSV-2); local jail jurisdictions (SSV-3); private, military, ICE, and tribal adult correctional facilities (SSV-4); state juvenile systems (SSV-5); and locally or privately operated juvenile facilities (SSV-6). Table 1 below contains a breakdown of forms by respondent type.

Based on prior administrations, the estimated average amount of time to complete the SSV-1, SSV-2, and SSV-5 (system-level summary forms) is 1 hour. The estimated average amount of time to complete the SSV-3, SSV-4, and SSV-6 (facility-level summary forms) is 30 minutes with nearly half of facilities reporting no allegations of sexual victimization.

The SSV-IA and SSV-IJ substantiated incident forms are estimated to take about 30 minutes to complete for each substantiated incident of sexual victimization. Estimates include supplying the information requested and documenting or explaining the data. Combining the completion of the summary and incident forms, the estimated total burden for respondents is 2,338 hours (see table 1 below).

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

Form	Total annual responses	Estimated burden hours per response	Total estimated respondent burden (person hours)	Average hourly wage rate	Total annual respondent cost
SSV-1	1	1	1	\$30.18 ²	\$30.18
SSV-2	50	1	50	\$30.18	\$1,509.00
SSV-3	700	.5	350	\$30.18	\$10,563.00
SSV-4	223	.5	111	\$30.18	\$3,349.98
SSV-5	51	1	51	\$30.18	\$1,539.18
SSV-6	549	.5	275	\$30.18	\$8,299.50
SSV-IA	2,400	.5	1,200	\$30.18	\$36,216.00
SSV-IJ	600	.5	300	\$30.18	\$9,054.00
Total	1,574 respondents +3,000 IA/IJ forms		2,338	\$30.18	\$70,560.84

13. Estimate of Respondent’s Cost Burden

PREA requires facilities to track the data collected in SSV, so no other costs are associated with this collection. At an average of \$30.18 per hour, the total annual cost for 2,338 hours of labor is \$70,561, or roughly \$45 per participating respondent.

14. Costs to Federal Government

The estimated costs for collecting, processing, and disseminating the SSV 2017 data in calendar year 2018 is \$937,100 including—

²Average salary for first-line supervisors/managers of correctional officers. Source: *May 2015 National Occupational Employment and Wage Estimates*, Bureau of Labor Statistics.

\$800,000 -- Census Bureau
\$440,000 for sample selection, data collection and program management
\$350,000 for questionnaire production, computer programming, data editing, and data entry
\$10,000 in miscellaneous charges -- costs related to postage, telephone calls, printing, etc.

\$137,100 -- Bureau of Justice Statistics
80% GS-13, Statistician (\$100,850)
2% SES, Principal Deputy Director (\$3,400)
Benefits (@ 20% = \$20,850)
Other administrative costs (\$12,000)

BJs expects the costs at the Census Bureau to remain at the same levels as SSV 2016. New tasks performed under SSV 2016 will be replaced with additional computer programming tasks and one additional statistician under SSV 2017. Programming tasks include the addition of more checks for both the Web survey and the data entry module to ensure data quality, and investigating the possibility of automating reporting. If automation is feasible, we will begin with select large systems. One additional staff member is needed to assist with mail-out, answering respondent inquiries, and documentation of reporting problems and data quality issues. Several additional staff members are needed to assist with non-response follow-up. We expect further reductions in miscellaneous charges, primarily in the form of postage, printing, and data entry costs. As the number of respondents using the Web survey or fillable PDFs increases, these costs will decrease. BJS expects all other costs to remain stable from year to year, subject to Cost of Living Adjustments (COLA).

15. Reason for Change in Burden

The respondent burden for SSV 2016 is listed as 1,993 hours. BJS is requesting an increase of 345 hours for a total of 2,338 hours due to an increase in the estimated number of incident forms, from 2,310 to 3,000. (See Attachment 2 for incident forms). The greater number of incident forms better reflects the increased number of substantiated incidents, particularly inmate-on-inmate sexual harassment, added in 2013.

Items previously approved for collection in 2013-2015, and 2016 will not change.

Based on responses to SSV 2013-16, as well as external consultations with past data providers, facilities have demonstrated the ability to respond to the SSV summary and incident forms as revised in 2013 and 2016. See *Supporting Statement Part B, Table 5. Non-response by item and type of incident, 2016* and *Section 4. Final Testing of Procedures*.

16. Project Schedule and Publication Plans

Upon OMB approval, BJS plans to mail the SSV 2017 collection year forms to respondents early fall 2018. Respondents will be asked to return the forms 6 to 8 weeks after mailout. Data collection, cleaning, and weighting are expected to be completed by March 15 of 2019. SSV 2018 and SSV 2019 will follow similar schedules, except with mailout in June and data due in August.

The Bureau of Justice Statistics (BJS) is responsible for the design of the project and contracts with the U.S. Census Bureau to collect the data. BJS analyzes the raw and tabular data prior to publication in any form. PREA requires BJS to submit by June 30 of each year a report to Congress regarding data collection activities related to the study of prison rape.

BJS released juvenile SSV data in January 2016 through the publication of two reports. The summary report, *Sexual Victimization Reported by Juvenile Correctional Authorities, 2007-12*, includes summary data on allegations and substantiated incidents. A companion report, *Survey of Sexual Victimization in Juvenile Correctional Facilities, 2007-12 - Statistical Tables*, provides jurisdiction and facility detail and was released at the same time as the summary report.

Sexual Victimization Reported by Adult Correctional Authorities, 2012-15 was released July 2018. and Plans to release additional SSV reports include a companion statistical tables report, *Survey of Sexual Victimization in Adult Correctional Facilities, 2012-15 - Statistical Tables* in spring 2019. *Sexual Victimization Reported by Juvenile Correctional Authorities, 2013-16* is planned to be released in 2019. These reports need to include a minimum of 3 years of data to ensure sufficient numbers of substantiated incidents to provide accurate estimates of details of victim, perpetrator, and incident characteristics.

17. Display of Expiration Date

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

18. Exception to the Certificate Statement

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