



**U.S. Department of Justice**

Office of Justice Programs

*Bureau of Justice Statistics*

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*Washington, D.C. 20531*

**MEMORANDUM**

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Date: January 15, 2021

Re: BJS Request for OMB Generic Clearance for Pilot Testing for the National Inmate Survey (NIS-4) Prisons under BJS Generic Clearance Agreement (OMB# 1121-0339)

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The Bureau of Justice Statistics (BJS) seeks generic clearance approval to pilot test the survey instrumentation and data collection protocols for the fourth iteration of the National Inmate Survey in Prisons (NIS-4 Prisons). This package supports a data collection mandated by Congress (Public Law 108-79; see Attachment 1). BJS is submitting to OMB for approval of developmental materials associated with NIS-4 Prisons.

## **Background**

On September 4, 2003, the Prison Rape Elimination Act of 2003 (PREA or the Act) was signed by President George W. Bush (Public Law 108-79; see Attachment 1). The Act requires BJS to “carry out, for each calendar year, a comprehensive statistical review and analysis of the incidence and effects of prison rape.” The Act further instructs BJS to collect survey data: “...the Bureau shall...use surveys and other statistical studies of current and former inmates...”

To implement the Act, BJS developed the National Prison Rape Statistics Program (NPRS), which includes four separate data collection efforts: the Survey on Sexual Violence (SSV), the National Inmate Survey (NIS), the National Survey of Youth in Custody (NSYC), and the National Former Prisoner Survey (NFPS).

These collections are independent and not directly comparable; however, the collections provide various measures of the prevalence and characteristics of sexual victimization in correctional facilities. The SSV series collects administrative data about incidents of sexual violence reported to and investigated by adult and juvenile correctional authorities, as well as characteristics of substantiated incidents. The NIS collects information on sexual victimization self-reported by inmates held in adult correctional facilities, both jails and prisons. NSYC gathers self-reported sexual victimization data from juveniles in juvenile correctional facilities. The NFPS measures allegations of sexual assault experienced during the respondent’s last incarceration, as reported by former inmates on active supervision.

The NIS has been conducted three times, in 2007 (NIS-1), in 2008–09 (NIS-2), and in 2011–12 (NIS-3). RTI International served as the BJS data collection agent for all three rounds of the survey. Each iteration of NIS was conducted in at least one facility in all 50 states and the District of Columbia. In each iteration of the survey, inmates completed the survey using an audio computer-assisted self-interview (ACASI), whereby they heard questions and instructions via headphones and responded to the survey items via a touch-screen interface. The 2007 NIS (NIS-1) completed 63,817 interviews, the 2008-09 NIS (NIS-2) completed 81,566 interviews, and the 2011-12 NIS (NIS-3) completed 92,449 interviews.

BJS published survey findings from NIS-3 in May 2013, including the following:

- An estimated 4.0% of state and federal prison inmates reported experiencing one or more incidents of sexual victimization by another inmate or facility staff in the past 12 months or since admission to the facility, if less than 12 months.
- Among state and federal prison inmates, 2.0% (or an estimated 29,300 prisoners) reported an incident [of sexual victimization] involving another inmate, 2.4% (34,100) reported an incident involving facility staff, and 0.4% (5,500) reported both an incident by another inmate and staff.
- Juveniles ages 16 to 17 held in adult prisons and jails did not have significantly higher rates of sexual victimization than adult inmates. An estimated 1.8% of juveniles ages 16 to 17 held in prisons and jails reported being victimized by another inmate, compared to 2.0% of adults in prisons and 1.6% of adults in jails. An estimated 3.2% of juveniles ages 16 to 17 held in prisons and jails reported experiencing staff sexual misconduct.

Though higher, these rates were not statistically different from the 2.4% of adults in prisons and 1.8% of adults in jails.

- Prison inmates with serious mental illness reported high rates of inmate-on-inmate sexual victimization – 6.3% versus 0.7% for inmates with no indication of mental illness. Similar differences were reported by jail inmates – 3.6% versus 0.7%.
- Among non-heterosexual inmates, 12.2% of prisoners and 8.5% of jail inmates reported being sexually victimized by another inmate; 5.4% of prisoners and 4.3% of jail inmates reported being victimized by staff.

For the fourth iteration of the National Inmate Survey, BJS made the decision to split the NIS administration into two different awards—one for administering the survey in prisons (NIS-4 Prisons), and the other for administering the survey in jails (NIS-4 Jails). In FY 2017, BJS released a solicitation seeking a data collection agent to conduct the NIS-4 Prisons. After an open competition, RTI International was again selected to develop and administer the survey under a cooperative agreement with BJS (award number 2017-RP-BX-K053).

### **Purpose of the Proposed Research**

This submission seeks clearance to pilot test the revised instruments prepared for the fourth NIS-4. This request falls under a cooperative agreement BJS has with RTI to collect data for NIS-4, (award 2017-RP-BX-K053.) One of RTI's tasks under the cooperative agreement was to develop new items for inclusion in the draft NIS-4 Prisons survey instrument; this request is to pilot test those items with inmates in three prisons in advance of the full NIS-4 Prisons data collection. We will conduct the pilot test at facilities that were not selected into the sample for the full survey implementation. Inmate participation is voluntary; inmates invited to participate in the survey will have the choice to opt-out.

The NIS-4 Prisons draft survey instruments and administrative protocols have been reviewed by the RTI Institutional Review Board (IRB) which has federal-wide assurance. The IRB determined that the study involved minimal risks to research subjects given the safeguards built into the study procedures. A copy of the approval notice is attached (Attachment 2).

### **Pilot Test Overview**

To prepare for full implementation of the NIS-4 Prisons data collection, BJS seeks approval to conduct pilot interviews with 25 inmates in each of 3 prison facilities:

1. Dorsey Run Correctional Facility Jessup, MD
2. Jessup Correctional Institution Jessup, MD
3. Western New Mexico Correctional Facility Gants, NM

The main NIS-4 Prisons instrument collects self-report data on sexual victimization in prison facilities, among other topics. The NIS-4 alternative survey instrument does not ask questions about sexual victimization but contains other topics of interest regarding inmates' backgrounds and their experiences in prison. Inmates will be randomly assigned by the computer to take one of the two surveys such that no one will know which inmates received the main NIS-4 Prisons instrument on sexual victimization and which received the alternative survey. The pilot testing procedures are described fully below.

### ***Goals of the Pilot Test***

The pilot test is designed as a small-scale evaluation of survey operations. It is designed to:

- Test procedures for obtaining informed consent from inmates;
- Gauge the length of time to administer the programmed main NIS-4 Prisons instruments;
- Receive feedback on the instruments via debriefing questions;
- Test procedures for the provision of counseling to inmates when requested; and
- Test procedures to minimize disruption to facility operations.

### **Recruitment of Facilities for the Pilot Test**

BJS will recruit 3 adult prison facilities in which to conduct the pilot test, with a goal of achieving 75 completed interviews across the three facilities. As currently proposed above, the respondents in the two Maryland facilities will be male while the respondents in the New Mexico facility will be female.

Facility administrators who participate in the pilot will be asked to designate a facility coordinator. The administrator and facility coordinator will be provided with study materials to begin planning for the pilot test. Arrangements with the facility will be made for inmates to have access to counseling services if they experience distress from the interview. We will also ask the facilities for their procedures regarding mandatory reporting in situations where a juvenile inmate age 16 or 17 directly tells an interviewer about sexual abuse being experienced. In addition, the project team will obtain approval from any local IRBs or research review boards, as required on a state- or facility-specific basis. Copies of recruitment letters sent to facilities for the pilot test are found in Attachment 3.

### **Eligibility and Selection of Inmates for Pilot Testing**

BJS will arrange for a visit by two to three RTI researchers at each of the selected facilities. We will ask each facility to identify up to 35 inmates to complete the interview. In order to be eligible for the pilot test, an inmate must be sentenced by the state to confinement in the facility and be able to complete the interview in either English or Spanish.

### **Inmate Consent for Pilot Testing**

Prior to the start of the interview, the interviewer will provide the respondent with a hard copy of the consent form and then will read the form to the respondent from their own hard copy. After reading the consent aloud, the interviewer will read additional scripted text to highlight the main points from the consent form, specifically that: 1) participation is voluntary; 2) nothing about the inmate's legal status will change based on whether they participate or not; 3) the inmate can stop the interview at any time; 4) the inmate can skip any questions; and 5) the inmate's answers will be kept private.

The interviewer will ask whether the inmate understands the main points of the consent form. If the inmate indicates they do not understand or if they raise any questions, the interviewer will return to the consent form and read the appropriate passage(s) and address outstanding questions. If the inmate is a juvenile age 16 or 17, the interviewer will read additional text clarifying that any information about sexual victimization that has been recorded in the questionnaire will be

kept private but that if the juvenile tells the interviewer that he or she is being victimized, the interviewer may need to report that information to an agency that investigates such abuse.

The inmate will receive a copy of the consent form to keep for future reference. At the discretion of the state Department of Corrections and each facility's warden, a small incentive can be provided to participants (either a small bag of cookies or a metered envelope). However, none of the facilities recruited for the pilot test approved the use of an incentive; therefore, no incentives will be offered in the pilot test. The inmate consent forms and interviewer scripts are provided in Attachment 4.

### **Pilot Testing Procedures**

The interviews will be completed by ACASI on a RTI laptop, following procedures similar to those used in previous iterations of the NIS. The RTI interviewer will be present in the room but will position themselves so as not to be able to see the inmate's responses on the computer. There will be no way to link the data on the laptop with any specific inmate. The laptop will randomly assign inmates to receive either the main NIS-4 Prisons questionnaire or the alternative survey, such that no one will know which version of the survey the inmate received.

Both the NIS-4 Prisons main questionnaire and the alternative survey will contain questions on:

- Inmate demographics, including sexual orientation and gender identity;
- Military service;
- Criminal history; and
- the interview experience, asked at the end of each survey to debrief about the survey administration.

The main NIS-4 Prisons instruments will ask inmates questions about:

- Sexual victimization that occurred in the facility, including questions about whether the incidents were inmate-on-inmate or staff-on-inmate, as applicable;
- Experiences with pat downs and strip searches;
- Inmate disability status;
- Facility living conditions;
- Inmate mental health;
- Experiences with restrictive housing;
- Inmate medical conditions and care; and
- Experiences with parental involvement while growing up.

The alternative NIS-4 Prisons instrument will ask inmates questions about:

- Childhood experiences;
- Living area and activities;
- Movement within the facility;
- Altercations, fights and grievances;
- Work assignments;
- Program participation;
- Visitors and outside contact; and
- Post-release plans.

Inmates who are assigned to the main NIS-4 Prisons survey and complete the questionnaire in less than 30 minutes will be routed to the alternative survey, where they will complete questions as time allows within the 30-minute timeframe for the survey. Having all surveys take about 30 minutes will mask which inmates answered questions affirmatively about sexual victimization in the facility.

The pilot test will also include a paper-and-pencil instrument (PAPI) to be used only when an inmate cannot participate in the ACASI interview (i.e., security risk, housed in medical segregation, etc.). All requirements for securing a private interview setting and administering the informed consent will be followed when using the PAPI questionnaire. The PAPI interview will take approximately 15 minutes for inmates to complete and includes only key demographic items and those items necessary for reporting incidence of inmate-on-inmate sexual victimization and staff-on-inmate sexual victimization.

Copies of the English questionnaire for male inmates in the facility for at least 12 months is included as Attachment 5. If at any point during or immediately following the interview, the participant indicates he/she would like to talk to a counselor, the interviewer will implement the protocol for making that request. Details of the counseling protocol will be developed in advance of interviews beginning at a facility, and each interviewer will receive training on how to implement the protocol in each specific facility.

## **Considerations and Assurances for All Pilot Testing Activities**

### **Protection of Human Subjects**

There is some risk of emotional distress for inmate respondents, given the sensitive nature of the topic of sexual victimization, particularly since some of the NIS-4 Prisons survey questions are explicit and of a personal nature. The interviews will be stopped if requested by the respondent or if the respondent shows signs of emotional distress. All respondents will be provided with an opportunity to speak with a counselor following the interview.

### **Visit Debriefing**

At the conclusion of the visit, the facility recruitment task leader will debrief with the interviewers and facility liaison about the visit to see if there were any unexpected problems.

### **Language**

All pilot interviews will be conducted in either English or Spanish.

### **Burden Hours for Pilot Testing**

The burden hours associated with this task consist of the time required by facilities to arrange for inmate participation in the pilot interviews, and for the selected inmates to complete those interviews. The burden associated with these activities is presented in the table below.

BJA requests a total of 65 hours to conduct the pilot test (9 hours for facility staff + 56 hours for facility inmates). This estimate is based on past experience from administering the NIS-3. As per

Attachment 6, BJS anticipates that RTI will work with up to six facility staff (one administrator and one facility coordinator at three different facilities) to:

- Determine the facilities’ participation and schedule for gaining entry to conduct the pilot test;
- Gain authorization for RTI to conduct the pilot test; and
- Specify security clearance requirements for RTI staff.

We anticipate that facility staff will be engaged in the following activities:

- Arranging for the data collection visit;
- Preparing appropriate interviewing space;
- Arranging for counseling services; and
- Defining mandatory reporting procedures.

The total estimated staff burden for these activities is 3 hours per facility, for a total of 9 hours.

Expected burden placed on inmates for this pilot data collection averages 45 minutes per respondent. We anticipate that 75 inmates will participate, resulting in a maximum estimated inmate burden of 56.25 hours.

**Estimated Burden Hours Associated with  
Planned Pilot Testing Activities**

	<b>Maximum # of Respondents</b>	<b>Average Administration Time (minutes)</b>	<b>Maximum Burden (hours)</b>
<b>Facility communications and logistics</b>	3	180	9
<b>In-person Pilot Interviewing at Facilities</b>	75	45	56
<b>TOTAL</b>	78	3,900	65

The number of interviews with inmates is based on the desire to pilot test study procedures and both instruments in several facilities. This also permits inclusion of both male and female participants.

**Costs to the Federal Government**

The total cost of conducting the pilot test interviews will be approximately \$47,937 under the cooperative agreement with RTI (Award Number 2017-RP-BX-K053) for the National Inmate Survey in Prisons (NIS-4 Prisons). This excludes the cost of BJS staff working on the study.

**Use of Information Technology to Reduce Burden**

The pilot test will capitalize on technology to recruit facilities, schedule interviews, and conduct the interviews, in order to reduce participant burden and control study costs. Facility recruitment efforts will use email communications when possible, as participants increasingly prefer to communicate via email so they can respond when it is convenient. Using email for recruitment and scheduling will help reduce participant burden and save time and money that would otherwise be spent conducting telephone calls, leaving voice messages and making call-backs.

The instrument will be administered as an ACASI which reduces the burden for respondents, as the computer reads the questions aloud while respondents listen through headphones and use a touch-screen to record their responses. The computerized interview further reduces burden of administration by automatically following skip patterns so respondents do not need to follow instructions on which question to answer next.

### **Data Confidentiality and Security**

BJS's pledge of confidentiality is based on its governing statutes—Title 34 U.S.C. § 10134 and 10231—which establish the allowable use of data collected by BJS. Under these sections, data collected by BJS shall be used only for statistical or research purposes and shall be gathered in a manner that precludes their use for law enforcement or any purpose relating to a particular individual other than statistical or research purposes (Section 3735). BJS staff, other federal employees, and RTI staff (the data collection agent) shall not use or reveal any research or statistical information identifiable to any specific private person for any purpose other than the research and statistical purposes for which it was obtained. Pursuant to 42 U.S.C. Sec. 3789g, BJS will not publish any data identifiable specific to a private person (including respondents and decedents). To protect the identity of the respondents, no identifying information will be kept on the final data file. The survey will not be collecting the name of any of the respondents.

During the summer of 2016, BJS participated in the Statistical Community Of Practice and Engagement (SCOPE) Confidentiality Pledge Revision Subcommittee, which was convened by OMB. The committee was asked to develop research protocols and test alternative wording for revising the CIPSEA confidentiality pledge, and those pledges provided by agencies that do not protect data under CIPSEA (including BJS).

Using findings from the SCOPE subcommittee, BJS has, in conjunction with its Office of General Counsel, revised the confidentiality pledge to respondents.

### **Pilot Test Report**

Once the pilot test is completed, project staff will write a report summarizing the results of the pilot test. The report will include the length of time to complete the surveys, problems found with the consent process or instrument administration (if any), and issues working with the



facilities (if any). The report will also provide selected frequencies and cross tabulations from the pilot test survey.