



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Washington, D.C. 20531

MEMORANDUM

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Through: Melody Braswell
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FROM: Amy Lauger
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Date: March 3, 2020

Re: BJS requests to contact state Departments of Corrections (DOCs) and the federal Bureau of Prisons (BOP) for survey administration planning for the National Inmate Survey (NIS-4) Prisons under BJS Generic Clearance Agreement (OMB# 1121-0339).

Introduction

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 Victimization (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 victimization 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 FY2017, 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).

Request to Contact State Departments of Corrections

This submission seeks clearance to conduct outreach to state DOCs and BOP to introduce the fourth National Inmate Survey in Prisons (NIS-4), obtain research approval, and begin survey administration planning. This request falls under a cooperative agreement BJS has with RTI to collect data for NIS-4, (award 2017-RP-BX-K053.)

Study Introduction

We will send each jurisdiction a copy of the study introduction letter, along with supporting study documentation. The letter of introduction will explain the purpose of the study and provide general logistical details (see **Attachment A** for the letter template and **Attachment B** for an informative brochure that will be sent with the letter). Shortly after the letters are sent, we will offer one 30-minute webinar for DOCs and a separate webinar for BOP to address more details about the survey and introduce the required research approvals. The webinar will be recorded and posted online as a resource for jurisdictions (see **Attachment C** for the webinar content).

Research Approval

After the webinar, we will reach out to DOCs/BOP to begin the survey approval process. We will offer each jurisdiction previously prepared standardized study material, and if asked, will complete state-specific research approval applications and data use and privacy agreements.

Identification of Sampled Facilities

Approximately 1 month after the webinar is delivered, we will mail a second letter to each jurisdiction alerting them to specific facilities sampled (see **Attachment D**). In past NIS rounds, even though the DOC/BOP signed a study approval form, BJS often experienced delays with the facility contacts. Many prison administrators wanted time to verify the Commissioner's approval of the study processes before they agreed to work with RTI. As part of this second mailing, we will request that each DOC/BOP Commissioner sign a research approval form (see **Attachment E**). By signing the form, the Commissioner will not only grant RTI permission to conduct the study, but will also approve study materials and processes for use within their jurisdictions. This approval form will expedite the logistics planning process and lessen the burden on facility administrators. RTI staff will receive completed approval forms and hold them until activities associated with scheduling specific facilities can begin.

Burden-Hours

The burden-hour estimates for the respondents are provided in **Table 1**. The project team expects that initial communication/interaction with a DOC/BOP representative will take up to 60 minutes. Research approval, including completion of the Research Approval Form, will take up to 60 minutes. Ten DOCs will be invited to join the live recording of the informational webinar, which will require 30 minutes of time per representative. The BOP will be invited to join an

informational webinar that is tailored for federal facilities. It will require 30 minutes of time as well. The burden time for all contacts under this request is 109.50 hours.

Table 1. Burden-Hour Estimates for Respondents

Task #	Task Description	Number of respondents	Estimated burden (in minutes)	Total burden (in hours)
1	Initial communications/interactions	51	60	1
2	Informational webinar	15	30	0.5
3	Research approval	51	60	1
	Total burden			109.50

Institutional Review Board

RTI’s Institutional Review Board (IRB) determined the outreach protocol to be compliant with informed consent and data confidentiality standards.

Contact Information

Questions regarding any aspect of this project can be directed to:

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Attachments

- Attachment A: Study introduction letter template
- Attachment B: “National Inmate Survey for Prisons” brochure
- Attachment C: Draft webinar script
- Attachment D: Identification of sampled facilities letter template
- Attachment E: Research Approval Form template