

SUPPORTING STATEMENT—PART A

Survey of Sexual Victimization 2020, 2021, 2022

Survey of Sexual Victimization

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 adult correctional and juvenile justice 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 adult correctional and juvenile justice facilities. The NIS (OMB No. 1121-0311), with data collection in 2007, 2008-09, 2011-12 and again anticipated after COVID-19 restrictions are lifted, 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, collects allegations of sexual victimization self-reported by youth in juvenile justice 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 Bureau of Justice Statistics (BJS) requests clearance to conduct the 2020-22 SSV under OMB Control No. 1121-0292. The last SSV was fielded in 2020 and collected 2019 calendar year data. It was approved under the same OMB Control No. 1121-0292 (exp. date 09/30/2021).

Justification

1. Necessity of Information Collection

The SSV series (OMB No. 1121-0292), in its 16th year, collects data concerning all allegations of sexual victimization reported to adult correctional and juvenile justice 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, all facilities operated by Immigration and Customs Enforcement (ICE), and a representative sample of local jails, private jails and prisons, local and privately operated juvenile facilities, and tribal facilities. 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. Further, the survey obtained a three-year OMB approval for years 2017, 2018 and 2019, which expires 9/30/21. BJS requests approval for the SSV collection for 3 years, covering collection years 2020 through 2022.

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).

BJS is authorized to collect and analyze these data by The Omnibus Crime Control and Safe Streets Act, as amended, under 34 U.S.C. § 10132, and the Prison Rape Elimination Act (PREA: Public Law 108-79). BJS, its employees, and its data collection agent will use the information provided for statistical or research purposes only pursuant to 34 U.S.C. § 10134, and for purposes required by the PREA.

The U.S. Census Bureau (henceforth referred to as the 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 adult correctional and juvenile justice facilities as well as how those facilities record and respond to such incidents. The purposes of PREA as defined in the Act, include to “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 2004-2018 for adult correctional facilities and 2004-2018 for juvenile justice facilities. The most recent summary data reports available are entitled *Sexual Victimization Reported by Adult Correctional Authorities, 2016–18* (NCJ 255356, June 2021), *Survey of Sexual Victimization in Adult Correctional Facilities, 2012–18, Statistical Tables* (NCJ 252836, June 2021), and *Sexual Victimization Reported by Juvenile Justice Authorities, 2013–2018* (NCJ 300029, June 2021). Data collection for the 2019 reference year was recently completed.

Based on the SSV 2018 collection for adult facilities, there were an estimated 27,826 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 dedicated ICE facilities. The rate of sexual victimization in these facilities was 12.9 allegations per 1,000

inmates in 2018, up from 11.0 per 1,000 in 2015. Over the 3-year period from 2016 to 2018, more than half (56%) of the allegations involved sexual victimization by staff toward inmates, and the remainder (44%) involved sexual victimization by inmates toward other inmates. Over the same 3-year period, 5% of completed investigations of staff-on-inmate sexual victimizations were substantiated and about 8% of investigations of inmate-on-inmate victimizations were substantiated.

Based on data provided by juvenile justice administrators in the SSV 2018 collection, there were an estimated 2,467 allegations of sexual victimization in state juvenile systems and locally or privately-operated facilities. The rate of sexual victimization in these facilities was 54.1 allegations per 1,000 youths in 2018. Over the 6-year period from 2013 to 2018 more than half (52%) of the 12,060 allegations involved sexual victimization by staff toward youth, and the remainder (48%) involved sexual victimization by youth toward other youth. Over the same 6-year period, fewer than 1 in 10 (8%) completed investigations of staff-on-youth sexual victimizations were substantiated and about 1 in 4 (23%) investigations of youth-on-youth victimizations were substantiated.

The annual SSV collection provides a basis for comparison of aggregate sexual victimization incidents with inmate self-reports in the NIS. The SSV also provides a unique contribution to understanding sexual victimization. Unlike the other PREA collections that rely on victim self-reports, the SSV provides details on incidents that have been substantiated upon investigation. These data provide details 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.

The SSV data collection also provides important guidance to adult correctional and juvenile justice authorities – in providing uniform definitions and reporting rules. Over time, the 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, 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 adult correctional and juvenile justice facilities prior to the passage of PREA were limited to only a few facilities, the SSV collection has served as a resource to understand what incidents are reported to adult correctional and juvenile justice 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 –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– The Review Panel on Prison Rape will solicit testimony from adult correctional and juvenile justice 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.

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” per the PREA Act. NIC also developed periodic training and educational programs for “...authorities responsible for the prevention, investigation, and punishment of instances of prison rape.”

National Institute of Justice and the Bureau of Justice Assistance – are responsible for studying characteristics of victims and perpetrators and identifying trends in sexual victimization within adult correctional and juvenile justice settings. Data from the SSV can inform research proposals for grant funding opportunities provided in PREA.

National PREA Resource Center (PRC) – serves as a central repository for the best research in the field on trends, prevention, and response strategies, and best practices in corrections. The PRC’s aim is to aid 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. Findings from the SSV can be made available through the PRC website to adult correctional and juvenile justice administrators, management, line staff, sheriffs and officers, community corrections personnel, juvenile detention administrators, and staff.

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

Federal, state, local corrections, and juvenile officials and administrators – may 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.

General Public – may use the SSV results to better understand the scale and magnitude of sexual abuse in adult correctional and juvenile justice facilities.

3. Use of Information Technology

The SSV will be conducted as a web data collection, but will allow submission via hardcopy, fillable PDF, or by phone. Each year, each system or facility in the sample receives a username and password enabling respondents to complete the survey on the web. 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

2016-2018, approximately 59%, 64%, and 60% responded electronically, respectively. To reduce waste and cost, and potentially increase the number of respondents providing data via the web, starting with the 2019 SSV collection, no respondents were provided paper mailings as a part of the initial mailing, but rather were directed to request a paper form if needed. This decreased paper efforts and helped streamline collection by making the electronic collection instrument the primary and preferable method for response. As a result, 87% of SSV forms were submitted electronically in 2019, compared to 60% of forms in 2018.

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.

BJS has continued to implement improvements to this collection in order to increase data quality for the analysts and reduce burden to respondents. These improvements include –

- Development, testing, and implementing 500 new data and machine edits for variables in the web collection instrument and the processing system. These edits include data quality checks, error messages, skip patterns, and tables that improve analysis and review.
- Additional enhancement to the functionality of the PDF upload in the web collection instrument. These enhancements include an automated data extraction from the PDF files that improves data quality as well as the user experience.
- Identifying the universe of eligible jail and prison facilities through frame enhancements like fuzzy matching and extensive research.
- Modernize the mailout process to introduce a web-collection first approach for the 2019 collection. Streamlining this process will move towards the goal of reducing costs and paper.

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 adult correctional and juvenile justice settings. SSV is the only collection that gathers information on outcomes of investigations and details of incidents that have been substantiated.

5. Efforts to Minimize Burden on Small Businesses or Entities

While many SSV respondents are from state, local, and federal agencies, there are some from facilities that are contracted to hold inmates and youth that may be considered small businesses or entities.

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) 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 Influencing Collection

No special circumstances have been identified for this project.

8. Federal Register Publication and Outside Consultations

The SSV collection is consistent with the guidelines in 5 CFR 1320.6. The 60-day notice for public commentary was published in the Federal Register, Volume 86, Number 78, pages 22,073-22,074, on April 26, 2021. The 30-day notice for public commentary was published in the Federal Register, Volume 86, Number 121, pages 34045-34046, on June 28, 2021. Following the publication of the 60-day notice, BJS received only one comment. The comment was not related to the substance of the collection, but a commentary about spending and government bureaucrats in general. No response was warranted.

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 provides the following assurance to data providers:

- BJS is authorized to conduct this data collection under 34 U.S.C. § 10132 and the Prison Rape Elimination Act of 2003 (PREA; P.L. 108-79). BJS and its data collection agents will use the information you provide for statistical or research purposes only pursuant to 34 U.S.C. § 10134, and for the purposes required under the PREA. All personally identifiable data collected under BJS's authority for this collection are protected under the confidentiality provisions of 34 U.S.C. § 10231 and 34 U.S.C. § 30303. 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 on the authorities that govern BJS data, go to – https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/bjs_data_protection_guidelines.pdf.

The Census Bureau, our data collection agent, uses the same stringent protocols it follows to protect information that is confidential under Title 13. SSV data are maintained under the security provisions outlined in U.S. Department of Justice regulation 28 CFR §22.23, which can be reviewed at: <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/bjsmpc.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, adult correctional and juvenile justice systems and facilities report aggregate-level data (through administrative records) to BJS about incidents of alleged sexual victimization. For substantiated cases of sexual victimization, facilities report additional information about victim and perpetrator characteristics, including some demographic information (including age range, race, gender, and some incident details). The SSV does not acquire any direct personally identifiable information about victims or perpetrators of alleged or substantiated incidents of victimization (i.e., information such as names, DOBs, SSNs, addresses, and identifying numbers are *not* acquired or available in the administrative record that facilities provide). BJS does not publish any identifiable information specific to a private person.

12. Estimate of Annual Respondent Burden

In 2012, the U.S. Department of Justice (DOJ) 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 agencies 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 1,581 forms for collection year 2020. There are six versions of the SSV summary form, one specific to each type of system or facility: The Federal 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 justice systems (SSV-5); and locally or privately operated juvenile justice facilities (SSV-6).

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 about one-third 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 annual burden for respondents is 2,342 hours (see Table 1 below).

Table 1. Estimated SSV Annual Burden Hours

Form	Total annual responses	Estimated burden hours per response	Total estimated respondent burden (person hours)
SSV-1	1	1	1
SSV-2	50	1	50
SSV-3	700	0.5	350
SSV-4	230	0.5	115
SSV-5	51	1	51
SSV-6	549	0.5	275
SSV-IA	2,400	0.5	1,200
SSV-IJ	600	0.5	300
Total	1,581 SSV forms +3,000 IA/IJ forms		2,342

13. Estimate of Annual Respondent Cost Burden

N/A

PREA requires facilities to track the data collected in SSV. No costs other than the cost of the hour burden exist for this data collection.

14. Estimated Annual Costs to Federal Government

The estimated costs for collecting, processing, and disseminating the SSV 2020 data is \$956,800 including—

Table 2: Estimated Annual Costs for the SSV 2020

BJS costs

Staff salaries

GS-14 Statistician (40%)	\$49,000
GS-11 Statistician (40%)	\$29,100
GS-15 Supervisory Statistician (2%)	\$2,900
GS-15 Chief Editor (3%)	\$4,300
GS-14 Editor (8%)	\$9,800
GS-12, Designer (3%)	\$2,600
GS-14, Information Technologist (3%)	\$3,700
Senior BJS Management	\$5,200
Fringe benefits (28% of salaries)	\$29,800
Subtotal: Salary & fringe	\$136,400
Other administrative costs of salary & fringe (15%)	\$20,400
Subtotal: BJS costs	\$156,800

Census Bureau costs (Collection agent)

Costs (salaries and fringe benefits; form production; computer programming, web maintenance; sample selection; data collection, editing and entry; and costs related to postage, telephone calls, printing, etc.)	\$800,000
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Total estimated costs	\$956,800
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The costs for the SSV 2021 and the SSV 2022 at the Census Bureau will exceed that of the SSV 2020 by about \$50,000. New tasks performed under SSV 2021 and 2022 will include –

- a. Planning the creation of a General Processing System (GPS) for the purpose of producing longitudinal summary and incident-based data files back to 2004. Produce and deliver summary and incident-based longitudinal data files, annually.
- b. Update sampling design variables and documentation for the SSV 2021 collection and prior RY collections if deemed necessary, to support BJS needs to create standard errors for prevalence estimates.
- c. Support BJS with publications by producing select data tables. The Census Bureau staff will have further discussions around creating data tables for use in the SSV publication/report. Specific requirements, parameters, and formatting must be agreed upon by BJS and the Census Bureau before any work begins.

The additional funds have been approved for SSV 2021. Additional funds for SSV 2022 is pending approval by BJS.

15. Reason for Change in Burden

The respondent burden for SSV 2019 was listed as 2,338 hours. BJS is requesting an increase of 4 hours for a total of 2,342 hours due to an increase of seven respondents to the SSV-4. Items previously approved for the SSV collection in 2017 to 2019 have not changed.

16. Project Schedule and Publication Plans

Upon OMB approval, BJS plans to mail the SSV 2020 data collection invitation letters in late summer 2021. Respondents will be asked to submit their data within 6 to 8 weeks of the mailout. Data collection, cleaning, and weighting are expected to be completed by summer of 2022 (see Part B for a detailed data collection schedule). SSV 2022 and SSV 2023 will launch in late spring or early summer, with submissions due in July or August.

BJS is responsible for the design of the project and contracts with the 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 adult and juvenile SSV data in June 2021 through the publication of three reports. The summary reports, *Sexual Victimization Reported by Adult Correctional Authorities, 2016-18* (NCJ 255356, June 2021) and *Sexual Victimization Reported by Juvenile Justice Authorities, 2013-18* (NCJ 300029, June 2021), include summary data on allegations and substantiated incidents. A companion report, *Survey of Sexual Victimization in Adult Correctional Facilities, 2012-18 – Statistical Tables* (NCJ 252836, June 2021), provides jurisdiction and facility detail and was released at the same time as the adult summary report. BJS plans to resume the annual release of aggregated estimates of allegations and substantiated incidents in the adult and juvenile summary reports and statistical tables.

BJS plans to release reports in 2022 on the characteristics of substantiated incidents for adults and juveniles that align with the most recent published summary reports. As reports on the

characteristics of substantiated incidents 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, the next incident level reports will include 2019-2021 and will likely be released after this OMB clearance expires.

All SSV reports are available on the BJS website. BJS is working to make SSV summary data and supporting documentation 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, or its successor.

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