

SUPPORTING STATEMENT

Part A

The Bureau of Justice Statistics (BJS) requests modification to the National Inmate Survey in Prisons (NIS-4P). NIS-4P is currently approved through 06/30/2023 under OMB Control Number 1121-0311.

Changes from prior approval

Since receiving OMB approval for this collection in 2020, a summary of BJS's planned changes are as follows:

In the audio computer-assisted self-interview (ACASI) inmate survey (**Attachment C**):

- o **A22**: U.S. citizenship question removed from the survey.
- o **D2a and D2b**: These two items were merged into a single item for all respondents, and a response option for Two-Spirit was added for American Indian and Alaska Native respondents, per the latest recommendations from the NIH report: Measuring Sex, Gender Identity, and Sexual Orientation for the National Institutes of Health (Measuring Sex Gender Identity and Sexual Orientation for the National Institutes of Health | National Academies).
- o **D3b**: Added response option for Two-Spirit for American Indians and Alaska Native respondents as recommended in the NIH report cited above.
- o **D3c**: Revised wording to mirror edit made to D3b.
- o **D6 and D7**: Revised to have one version regardless of gender.
- o **Section E (Sexual Activity with Inmates)**: Revisions have been made in this section to reflect the possibility that a person could be housed in a facility that with others of a different anatomy. In previous rounds of the NIS, the items in this section assumed inmates were housed based on anatomy rather than gender identity. BJS have revised the questions to be appropriate for all inmates in a sampled facility. If an inmate indicates their gender identity is different from their sex assigned at birth, many questions in this section are worded in an inclusive way that doesn't assume a particular anatomy. See the GENDER variable defined at the beginning of the instrument (it appears just above the OMB Notice text) and the update to the variable in Section D (it appears after D3e) for how GENDER is assigned.
- o **Section F (Description of Non-Consensual Sex Acts)**: Revisions have been made to definitional logic to reflect the new items incorporated into Section E.
- o **G20c**: Revised to account for the gender-inclusive option
- o **Sections DIR, IIC,SI**: Revised several items to account for the gender-inclusive option
- o **RH4**: Modified to include COVID items.
- o **Section PIV (Parental Involvement)**: Module removed from the survey.
- In the paper-and-pencil-instrument (PAPI) inmate survey (**Attachment D**):
 - o Items on sexual orientation and gender identity were revised to meet the latest recommendations from the NIH report: Measuring Sex, Gender Identity, and Sexual Orientation for the National Institutes of Health (Measuring Sex Gender

Identity and Sexual Orientation for the National Institutes of Health | National Academies).

- Three items had additional response options regarding other types of sex or sexual contact added to align with the ACASI survey.
- In the facility questionnaire ([Attachment I](#)):
 - Minor wording changes made throughout to clarify questions.
 - Removed items 5 and 19.
 - Added new question on the impact of COVID-19 on the facility.
 - Revised item 11 to collect detailed information on age and sex by two job classifications, not detailed job classification and sex.
- In the consent forms ([Attachments E-F](#)):
 - Added introduction on COVID-19.
 - Added language for juveniles regarding reporting of verbally spoken child abuse or neglect.
 - Clarified language around purpose of the study, participation being voluntary, respondent confidentiality and privacy assurances, how the data will be used, and possible exceptions to confidentiality.
- In the consent scripts ([Attachments G-H](#)):
 - Made various wording changes to align with revisions to consent forms.
- The IRB documentation includes all approvals since the original OMB clearance ([Attachment J](#)).
- The thank you letters have been updated with current BJS information ([Attachment L](#)).
- Due to the delay in data collection as a result of COVID-19, some facilities have closed. As a result, we have reduced our facility sample from 246 to 241 facilities.

Justification

1. Necessity of Information

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). The Act requires the Bureau of Justice Statistics (BJS) to “carry out, for each calendar year, a comprehensive statistical review and analysis of the incidence and effects of prison rape.” The Act further instructs BJS to collect survey data, “...the Bureau shall...use surveys and other statistical studies of current and former inmates...” The law was passed in part to overcome a shortage of available research on the incidence and prevalence of sexual victimization within correctional facilities. At the time PREA was enacted, a data collection program of this complexity and scale on such sensitive subject matter was unprecedented.

To implement the Act, BJS developed the National Prison Rape Statistics Program (NPRS), which includes five 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 Former Prisoner Survey (FPS). Due to the sensitive nature of

sexual victimization and potential reluctance to report sexual victimization, BJS will collect multiple measures on the incidence and prevalence of sexual victimization.

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 FPS measures allegations of sexual victimization 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 three previous iterations of NIS were conducted in both prisons and jails concurrently. Aggregating across the prisons and jails samples in each year, 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 those who reported their sexual orientation as gay, lesbian, bisexual, or other, 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.

Current survey implementation

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-4P), and the other for administering the survey in jails. This submission is to seek clearance for the NIS-4P. This is a self-report survey administered to inmates held in adult prison correctional facilities. BJS has a cooperative agreement with RTI International (RTI) to collect data for the NIS-4P.

Due to the sensitive nature of the topic, BJS has undertaken several precautions to maximize confidentiality and ensure inmates understand the terms of participation.

Randomized survey instrumentation

To protect the confidentiality of all participating inmates, the NIS-4P begins with core questions and then randomizes respondents to one of two survey instruments (see graphic on page 5). One survey instrument—the alternative survey instrument—is allocated to 5% of respondents and includes a second core set of questions on activities within the facility, visitors and outside contact, facility climate, and childhood experiences. The other survey instrument—the sexual victimization survey—is allocated to 95% of respondents and includes a core set of questions on sexual victimization, facility climate, parental involvement, mental health, and disability status. The consent form, provided to inmate respondents prior to survey administration, includes a description of the two surveys and indicates that only the inmate will know which survey is administered. This effort offers a layer of protection to the respondents, as correctional staff, other inmates, and field staff will not know which questionnaire the respondent received, as that decision is randomized within the ACASI survey administration environment.

Informed consent process

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 aged 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). The provision of an incentive must be authorized by the facility and will be determined once contacts with the facility are made following receipt of clearance. The inmate consent forms and interviewer scripts are provided in Attachments E-H. Inmates will also be provided a card with whom to contact with questions about the project or their rights as a participant (see Attachment K.)

Standardized survey response times

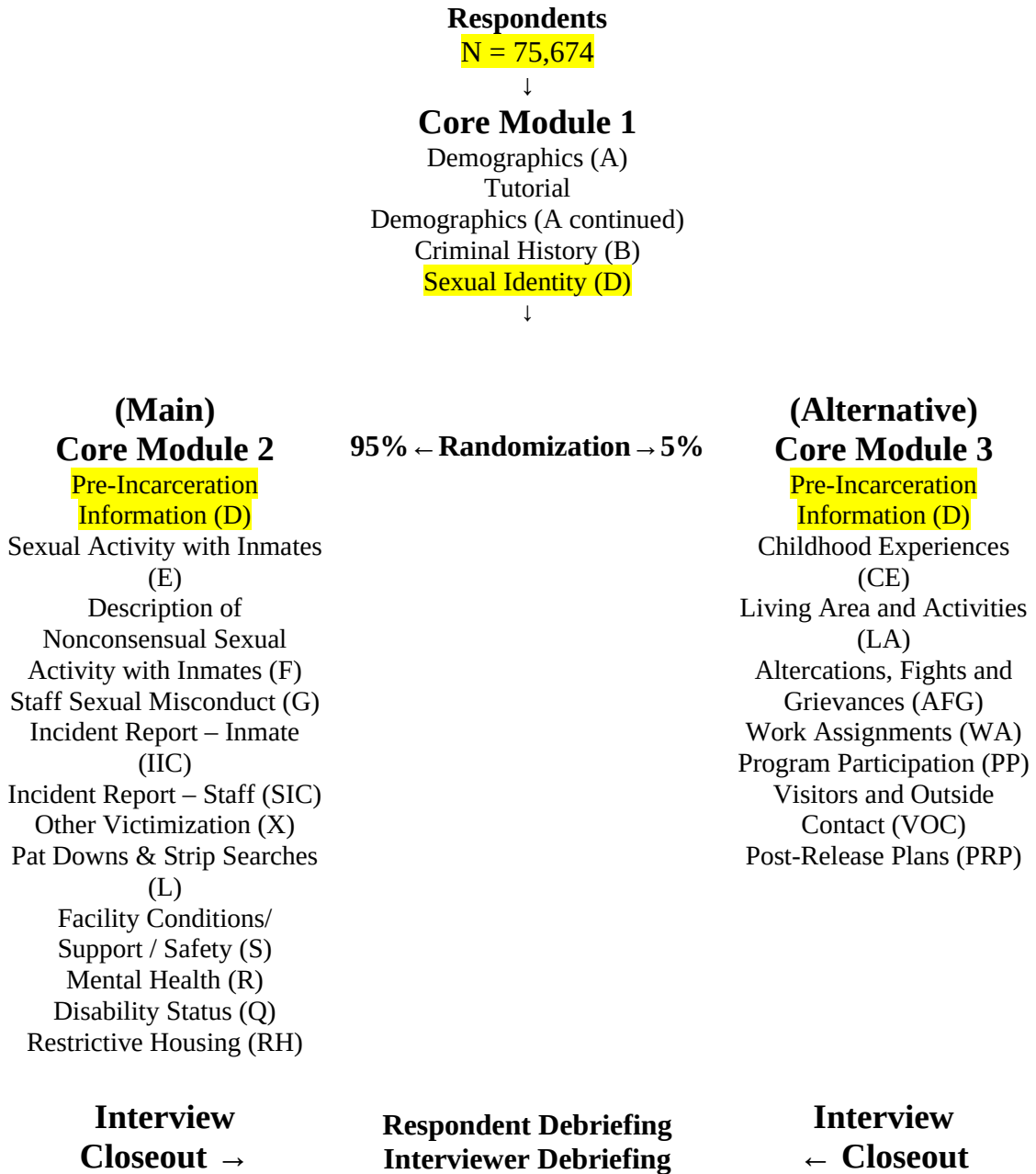
All respondents will spend about the same amount of time completing the survey, regardless of which questionnaire they are assigned. To ensure inmates who report both inmate-on-inmate victimization and staff-on-inmate victimization are not unduly burdened, these inmates will be randomized to receive the incident-specific module for only one type of victimization.

These modules were pilot-tested in 3 facilities (with a total of 68 inmates) and ordered according to research interests balanced by survey time constraints of an average of 35 minutes per respondent. Based on the results of prior rounds of the NIS, most respondents who receive the sexual victimization survey will report no victimizations. To test the sexual victimization modules more fully, a small number of former inmates known to have been sexually victimized while incarcerated were interviewed in order to gain timing data and determine how many of the post-sexual victimization modules could be included without increasing the overall interview length beyond 35 minutes.

The first part of the survey will be a traditional Computer-Assisted Personal-Interview (CAPI) wherein an interviewer will read a series of questions to an inmate and enter the

answers directly into a laptop computer. The questions asked in the CAPI mode will include demographic and criminal history items. All respondents will receive a brief training in how to use the Audio Computer-Assisted Self-Interview (ACASI) methodology, which involves inmates responding to a computer questionnaire using a touch screen, following audio instructions delivered via headphones. After answering some basic demographic questions, the instrument will randomly assign each respondent to either the sexual victimization questionnaire or the alternative questionnaire. The specifications for the combined ACASI instrument is Attachment C. The flow of the ACASI instrument is shown in Exhibit 1.

Exhibit 1: Flow of the NIS-4 Prisons ACASI Instrument



In order to maintain an interview length of 35 minutes, inmates whose responses qualify them to receive both the Inmate Incident Report (Section IIC) and the Staff Incident Report (SIC) will be randomized to receive only one of those two modules. A portion of inmates may be unable to come to the interviewing room for medical or disciplinary reasons. It is not possible in most facilities to bring laptops into the housing units for safety and security reasons. In order to include these inmates in the survey, a representative will visit these inmates in their living area equipped with an abbreviated paper-and-pencil-instrument (PAPI) for the inmate to complete following the consent process. It is anticipated this will be a rare event. In prior rounds of the NIS, PAPI interviews comprised approximately 0.5% of the total number of completed interviews. However, the use of PAPI is a necessary modification in order to include all inmate populations at risk of sexual victimization. The PAPI instrument contains only the most critical items from the ACASI NIS instrument: those that are needed to calculate the victimization rates, demographics, and items that provide useful context for the events reported. Thirty items are included (See Attachment D). In order to make the questionnaire as simple as possible for inmates to complete, there is very limited use of skip routing.

Requirements regarding privacy of the interview setting are the same for PAPI interviews as for ACASI, namely the interviewer and inmate must be able to speak where they cannot be overheard and nobody can see the answers the inmate records on the questionnaire. After administering the informed consent, the interviewer passes the PAPI and a pencil to the inmate to complete. When the inmate is finished, the interviewer provides the inmate with an envelope in which to place the questionnaire and asks him/her to seal it. The sealed envelope is passed back to the interviewer who then places a piece of tamper-resistant tape over the seal. Completed PAPI questionnaires must remain in the possession of the interviewer for the remainder of the day in the facility and must be shipped via overnight delivery to RTI on the day they are completed. Interviewers may not leave completed questionnaires with facility staff to go out as part of the regular mail leaving the facility.

During interviewer debriefing sessions, interviewers have reported that inmates who completed the PAPI were very appreciative to be included in the study and appeared to take their task of completing the questionnaire seriously. We have also been fortunate that most facility administrators have worked with us to figure out ways to manage data collection in their facilities that has minimized the number of inmates who need to complete the PAPI because they are able to participate in the ACASI interview.

All allegations of sexual victimization are important to include in the estimate of sexual victimization to ensure accuracy. Thus, data from the PAPI will be included in the prevalence estimates generated for facilities. BJS will analyze and note any differences between allegations reported using PAPI and ACASI methodologies, as well as any selection bias that may occur in administering either the PAPI or ACASI to a respondent.

BJS requests approval for all data collection activities related to the NIS-4P. As required by PREA, BJS will produce national -level and facility-level estimates of sexual victimization within prisons.

The package was submitted to RTI's Institutional Review Boards (IRB) and approved on 01/14/2019. The IRB provided continuing approval on 12/04/2019 and approved a revised instrument on 04/08/2020. The IRB approved procedures for minimizing the risk of COVID-19 infection on 05/02/2022. An additional modification documenting instrument revisions was approved by the IRB on 07/28/2022. The approval documents are attached (Attachment J). Any additional research approvals required will be obtained prior to conducting any data collection under this clearance and shared with OMB upon receipt.

Data collection for the NIS-4P project is authorized under the Prison Rape Elimination Act of 2003 (Public Law 108-79), a copy of which is attached (Attachment A). The Omnibus Crime Control and Safe Street Act of 1968 (Attachment B) as amended (34 U.S.C. § 10132), authorizes BJS to collect and disseminate statistical data on all aspects of criminal justice, including criminal victimization, occurring in the United States.

2. Needs and Uses

This clearance request is to obtain approval to conduct national data collection required under the Act. Data collection is necessary to measure the incidence and prevalence of sexual victimization within correctional institutions, at a facility level, as required under the Act.

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

The data that are collected will be used to develop facility-level estimates of sexual victimization. Data from these surveys will be included in a report from the Attorney General, which will be submitted to Congress and the Secretary of Health and Human Services by June 30 of each year as specified in the Act. The Act also establishes a Review Panel on Prison Rape, which will use data collected in these surveys.

Prison facility rankings and summary findings will be included in a report to Congress following the collection. Any and all identifying information for inmates will be stripped from the data and will remain strictly confidential.

Users of these data include the following:

U.S. Congress – Each year Congress will receive a report on data collected under the Act. The report will include information about the prevalence of sexual victimization at each facility in the sample.

U.S. Department of Justice – The Review Panel on Prison Rape will solicit testimony from correctional administrators in facilities with the highest and lowest rates of sexual victimization as identified in the June 30 annual reports.

National PREA Resource Center – serves as a central repository for the best research on trends, prevention, response strategies, and best practices for eliminating sexual abuse in correctional facilities. As such, results from the NIS will be included here and made available to a variety of audiences, including, correctional administrators, management, line staff, and community corrections personnel.

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

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 correctional settings. Findings from the NIS activities disclosed in the Congressional reports may be used to inform research proposals for grant funding opportunities provided in the Act.

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

Just Detention International – may use the data to inform their organization objective to end sexual abuse in all forms of detention.

Federal, State, and local corrections and juvenile officials and administrators – will use data from the Congressional reports to assess and compare trends in inmate-on-inmate, youth-on-youth, staff-on-inmate, and staff-on-youth sexual victimization. The NIS and NSYC, and SSV questionnaires will provide a common set of concepts, standard definitions, and counting rules that administrators will be able to use as a baseline for comparisons.

General Public – will use data from the Congressional reports to better understand the scale and magnitude of sexual abuse in correctional facilities.

3. Use of Technology

Using the latest technology in survey methodology, RTI interviewers will conduct interviews using laptop computers. Being mindful of the sensitivity of the sexual victimization questions, inmates will enter the answers themselves using audio computer-

assisted self-interview (ACASI) technology (see Attachment C for questions). This will allow them to hear the question being read over headphones as it appears on the screen. No one, not even the interviewer, will know how the inmate answers the questions. In addition, the ACASI methodology allows even respondents with low literacy levels to participate because the audio component provides clear instruction for how to enter answers. All respondents will receive instruction on how to use the ACASI system from the interviewer and will complete a short tutorial to gain practice with the system before beginning to answer the actual survey questions. The survey will be offered in both English and Spanish.

CAPI and ACASI technology improves the flow of the interview through built-in skip patterns and filled-in reference periods that tailor specific questions to individual inmates. This allows for the instrument to be tailored by gender and length of stay (“in the last 12 months” or “since you arrived at this facility”). This technology also produces more accurate data through built-in edit checks.

Furthermore, research with ACASI suggests respondents provide more honest reporting of sensitive behaviors when the questions are administered via ACASI as opposed to traditional interviewer-assisted methods. Due to concern among stakeholders about the validity of the data reported, the questionnaire incorporates latent class modeling (LCM) to detect false positives and false negatives of sexual victimization reports among respondents. This involves using several different questions to measure the same phenomenon. Data from the first three administrations of the NIS indicate low levels of both error types.

For inmates who cannot leave their cell or living area, an interviewer will be taken to the inmate with a PAPI consent form and questionnaire (see Attachments D and F). See Section 1 for additional information. Finally, use of the computer allows for random assignment of inmates to one of two questionnaires, as described earlier.

4. Efforts to Identify Duplication

This research does not duplicate any other questionnaire design work being done by BJS or any other Federal agencies. BJS will be the only government agency that collects national data on the incidence and prevalence of sexual victimization within prison facilities.

5. Impact on Small Businesses

This research does not involve small businesses or other small entities. The respondents are inmates held in adult prisons institutions.

6. Consequences of Less Frequent Collection

The Bureau of Justice Statistics is required by law to collect PREA data annually, which occurs with the Survey of Sexual Victimization. Self-administered data such as NIS are not required annually.

7. Special Circumstances Influencing Collection

This data will be collected in a manner consistent with the guidelines in 5 CFR 1320.6.

8. Federal Register Publication and Outside Consultation

The research under this clearance is consistent with the guidelines in 5 CFR 1320.6. In 2020, the 60 and 30-day notices for public commentary were published in the Federal Register.

In developing the survey for the NIS series, 1BJS has consulted with federal, state, and local corrections administrators as well as representatives from their professional organizations, prisoner rights advocates, former inmates, specialists in prison rape research, practitioners, and survey methodologists. These individuals have and will continue to provide valuable input regarding the development of the questionnaires, definitions and counting rules, anticipated data analysis, and data presentation.

In designing the questionnaires and collection procedures for the NIS-4 Prisons, BJS convened a panel of experts to attend a national workshop in Washington, DC. This workshop was held on April 6 – 7, 2016. Participants were given an opportunity to review the draft questionnaire and to provide input into the methodologies under development. BJS consulted with experts to adhere to best practices in the field regarding measurement of sex, gender identity, and sexual orientation, and additional individuals served as expert reviewers of the Facility Questionnaire, designed to collect administrative data from facilities sampled for the NIS-4 (see Attachment I). The following external experts were consulted as part of the planning for the NIS-4 and are listed with their affiliations at the time of the consultation:

Julie Abbate
Just Detention International (JDI)

Sue Allison
Federal Bureau of Prisons

Kellan Baker, Ph.D.
Dept. of Health Policy and
Management
Johns Hopkins Bloomberg School
of Public Health

Nancy Bates
U.S. Census Bureau (retired)

Robert Lampert
Director
Wyoming Department of Corrections
Gary Maynard
Association of State Correctional
Administrations, Inc.
Phebia Moreland
PREA Coordinator
The GEO Group, Inc.

Pat Nolan
President, Commissioner, NPREC
Justice Fellowship

Nicolette Bell
Special Assistant to the Secretary
PA Department of Corrections

Marcus Berzofsky
Senior Research Statistician
RTI International
Rachel A. Caspar
Director, Center for Applied Research
Methods, Survey Research Division
RTI International

Reena Chakraborty
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Grant Duwe
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James Gondles
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Paige Harrison
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Tim Ryan
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Orange County Corrections
Beth Schubach
Agency PREA Coordinator
Washington State Department of
Corrections

Colonel Eileen Sprinkle
Chief Deputy
Newport News Sheriff's Office

Lovisa Stannow
Executive Director
Just Detention International

LaDonna Thompson
Commissioner, Kentucky Department of
Corrections, Retired

Kristen Zgoba
Chair, Departmental Research Review
Board
New Jersey Department of Corrections

BJS received several public comments and one request for additional information in response to the 60-day Federal Register Notice. The first comment came from the president of International Citizens United for Rehabilitation of Errants (CURE), who requested that BJS collect information on persons serving civil commitments. These persons suffer from severe mental illness that requires hospitalization or structured living accommodations and care that they are unable or unwilling to seek on their own. In these cases, the state can issue a court order to mandate treatment in a facility or as part of return to a community setting. In particular, persons who have committed and served

time for sexually violent crimes and are deemed to present a danger to the public are held in the state's custody under civil commitment while they receive treatment for their psychiatric condition. The Prison Rape Elimination Act gives BJS authority to conduct the NIS in prisons and jails, and persons serving civil commitments are outside the definitions in the law.

The second comment came from the National Advocacy Director of Just Detention International who emphasized the importance of the NIS, whose promise of anonymity for inmates allows for a "a more complete picture of the dynamics of this abuse than other studies." JDI expressed support for the proposed incident-specific questions, which are new in this iteration of NIS. JDI also encouraged BJS to maintain consistent questions and definitions that would allow for meaningful comparisons across surveys. Lastly, JDI encouraged BJS to release all data collected in order to fulfill statutory obligations.

Like JDI, BJS is eager to see what the proposed incident-specific questions will add to our analyses. Regarding the encouragement to maintain consistency, BJS concurs. Thus, BJS is proposing only minor changes to the core questions on sexual victimization. Other parts of the main survey and the alternative survey have new or revised content to allow for new analyses. Regarding publication of the data, BJS is committed to fulfilling our obligations to publish the data.

The third comment was signed by eleven people affiliated with the Williams Institute. The authors emphasized the importance of the NIS, as "the only comprehensive vehicle to monitor the safety of prisoners in that it collects anonymous information directly from incarcerated persons using appropriate data collection methods (A-CASI). Without these data to shed light on inmates' experiences, researchers and policymakers have little knowledge about sexual victimization or the abuse of sexual minority (e.g., lesbian, gay, bisexual) and transgender inmates in jails and prisons which is needed to mount appropriate interventions." Williams Institute included several recommendations, listed below with the corresponding BJS response in italics.

- Add questions about pregnancy or getting someone pregnant, as well as STI/HIV infection, as health consequences of voluntary and involuntary sexual experiences. *BJS considered this recommendation and determined these questions cannot be added on this iteration. The pilot test showed that the survey was much longer than intended and other important questions have already been trimmed from the survey.*
- Retain the current questions identifying sexual minority inmates (NIS-3 items D4 and D5). *The proposed instrument has a modified version of D5, which was a question about sexual orientation. However, BJS has decided to drop what was formerly D4, which was a question about whether inmates had sex with men, women, or both before entering the current facility. This question was not used to inform analyses in the past and have removed it in order to add more pertinent questions about sexual orientation and gender identity*

- Collect information about sex assigned at birth and gender identity using separate measures in order to correctly classify transgender and cisgender prisoners and to correctly triage inmates to survey items that include questions about male and female anatomy.

Since the pilot, BJS has altered this sequence and is proposing a series of questions very similar to the particular questions recommended.

- Examine how transgender inmates are assigned to complete the existing “male” and “female” questionnaires and ensure that anatomically appropriate data are collected. *BJS considered this recommendation and decided on an approach that would address these situations appropriately while minimizing the changes to the questionnaire that could affect comparability of the overall estimates. Respondents who indicate that their gender identity does not match their sex assigned at birth will receive inclusive questions regarding anatomy later in the interview. This change has no impact on the overall length of the interview.*

The Director of Policy at the National Center for Transgender Equality requested “a copy of the proposed information collection instrument, with instructions, referenced in the above referenced Federal Register notice (84 FR 66023), together with all supporting documentation.” BJS will notify the organization when the full OMB clearance package is submitted.

9. Payment or Gift to Respondents

The use of non-monetary incentives will be submitted to appropriate IRBs for review and approval. BJS will work with prison administrators to identify appropriate incentives for the correctional environment, such as a package of cookies or a metered envelope. The maximum cash value of an incentive for any respondent will be \$1. Under no circumstances will respondents be given money or commissary funds.

10. Assurance of Confidentiality

BJS and RTI hold in confidence any information that could identify an individual according to Title 34, United States Code, Sections 10134 and 10231. All respondents as well as correctional facility administrators who participate will be given written assurance that the identity of all participants, victims, and perpetrators will be protected as required under Title 34 (see Attachments E and F). Rates of sexual victimization at the facility level will be published, as required under the Act.

All interviews will be conducted in a private room, and names and other personal identifiers will not be linked to the questionnaire data, such that if someone were to somehow obtain the survey data, they could not associate any data with a particular individual. As required under Title 34 USC, section 10231, BJS and its data collection agents will take all necessary steps to mask the identity of survey respondents, including

suppression of demographic characteristics and other potentially identifying information, especially in situations in which cell sizes are small.

Further, BJS has masked and padded the survey to ensure that no correctional official, inmate, or the field representative will know which questionnaire is administered or make assumptions based on the time taking the survey (See Section 1).

BJS and RTI have received the requisite approvals from the appropriate Institutional Review Boards (IRB) to ensure that the data collection procedures are in compliance with human subjects protection protocols and confidentiality regulations (see Attachment J).

11. Justification for Sensitive Questions

The Act requires BJS to collect highly sensitive information. See Section 4 of Public Law 108-79. According to extant research, it is beneficial to begin broadly and narrow down when asking questions about sensitive topics. BJS has employed this approach by asking first about the respondent's sexual activities. This serves two main purposes. First, a global binomial (yes/no) question leaves the instrument with limited ability to define what is meant by sex and sexual victimization and leaves interpretation largely in the hands of the respondent. Further, if the response is negative, the interview is essentially over. Second, the literature in this area notes that sexual victimization, particularly in correctional facilities, occurs on a continuum of coercion from no coercion at all to serious physical violence. The lesser kinds of coercion may be easily overlooked as consensual unless the general (sexual activity) to specific (coerced, pressured, or forced sexual activity) approach is utilized.

BJS has implemented several safeguards to protect inmates against undue trauma or distress. All respondents are told in the consent process that they will receive a questionnaire about either their sexual experiences in the facility or facility climate and childhood experiences before arrival. Respondents are also reminded that participation is voluntary, and they may quit the survey at any time. The sexual victimization module of the questionnaire is also set up to redirect the respondent to the beginning of the next module if the respondent hits the "refuse" button provided on the screen three times within this section in an effort to minimize distress. BJS also worked with Stop Prison Rape (now Just Detention International) to create a pamphlet listing resources for inmates who may want to talk to an outside source about issues of sexual victimization or seek drug and alcohol treatment for all 50 states and the District of Columbia. Finally, BJS and RTI will work with each facility to determine the point of contact for mental health services either within or outside the facility should a respondent experience distress or trauma as a result of participating in the survey.

12. Estimate of Hour Burden

Based on our experience with prior NIS administrations and the NIS-4P Pilot Study, we estimate that each facility staff member will take two hours to provide a roster of inmates.

This includes working with a member of RTI’s Logistics Team to determine the most efficient manner for submitting the roster to RTI.

Based on results of the NIS-4P Pilot Study, it is expected that each ACASI inmate will spend 35 minutes in the interview and each PAPI inmate will spend approximately 15 minutes. The total respondent burden, including both prison staff and inmates, is summarized in the following chart:

Table 1. Annual Respondent Burden for the NIS-4 Prisons

<u>Description of Service</u>	<u>Burden Hours per Response</u>	<u>Number of Responses</u>	<u>Total Expected Burden Hours</u>
<u>Provide Roster</u>	<u>1.0</u>	<u>241</u>	<u>241</u>
<u>Verify Roster</u>	<u>1.0</u>	<u>241</u>	<u>241</u>
<u>Staff Escort Time</u>	<u>0.25</u>	<u>75,674</u>	<u>18,919</u>
<u>Complete Facility Questionnaire</u>	<u>0.5</u>	<u>241</u>	<u>121</u>
<u>Consenting Process</u>	<u>0.17</u>	<u>75,674</u>	<u>12,865</u>
<u>Inmates, ACASI Interview</u>	<u>0.6</u>	<u>74,236</u>	<u>44,542</u>
<u>Inmates, PAPI Interview</u>	<u>0.25</u>	<u>1,438</u>	<u>360</u>
<u>Total Burden</u>			<u>77,288</u>

The burden estimates included above assume 100% participation from both facilities and inmates. For purposes of comparison, during Year 3 of the NIS, the total maximum burden was estimated at 45,034 hours for the prison sample. The total burden actually utilized was 29,943 hours.

Estimate of Respondent Cost Burden

The total respondent cost includes the facility staff time to prepare and verify the inmate selection roster, to complete the Facility Questionnaire and to escort 75,674 potential respondents to an interview location. It is estimated that the facility staff will be available for approximately 19,522 hours to complete the interview process. This includes 603 hours for providing and verifying the roster and completing the Facility Questionnaire and 18,919 hours for escorting inmates to and from the interview site. At an estimate of \$36.31 per hour (2021’s estimated hourly wage for first-line correctional officers, \$33.53¹, adjusting for 8.3% inflation²) for 19,522 hours, the estimated respondent cost burden for the entire national survey is \$708,844.

13. Estimate of Cost Burden

There are no costs other than those associated with the respondents’ time.

¹ May 2021 occupational employment and wages estimate for first-line supervisors of correctional officers (Source: <https://www.bls.gov/oes/current/oes331011.htm>)

² Consumer Price Index (Source: <https://www.bls.gov/cpi/>)

14. Estimated Cost to Federal Government

The total estimated cost to the government for survey development and implementation is \$10,095,804.

RTI International National Inmate Survey Cost Estimate

Survey and instrument planning, development, management, and processing	\$3,698,263
Equipment and supplies	\$147,398
Training, travel, data collection	\$6,154,339
Total costs	\$9,999,129

Bureau of Justice Statistics costs – \$96,675

20% of GS-15, Supervisory Statistician (\$32,667)

25% GS-13, Statistician (\$26,706)

20% GS-12, Statistician (\$17,967)

Benefits (@25% - \$19,335)

15. Reasons for Change in Burden

The total reported respondent burden has decreased by 1,522 hours from the previous OMB request for clearance for this collection in 2020. This decrease is due the reduction in facility sample size from 246 to 241.

The total reported respondent burden is 13,607 hours higher than the OMB request for clearance for NIS-3. This increase is an artifact to changes in reporting. If BJS were to report burden comparably to the previous iteration, the burden would be much lower, since this iteration covers prisons only and samples a similar number of prisoners as in NIS-3.

Relative to NIS-3, providing and verifying the roster has a much lower burden due to the smaller number of facilities (241 prisons versus 558 prisons and jails). Staff escort time and the consenting process are included in the burden estimate for the first time. The facility questionnaire is a new feature for this iteration of the NIS. For the ACASI and PAPI estimates, the estimated burden assumes an inmate response rate of 100%. The previous request reflected a projected response rate. If the calculations assumed a 65% response rate (similar to the last request), the ACASI burden would be approximately 48,253 responses and 28,952 hours and the PAPI burden would be approximately 935 responses and 234 hours. The resulting total burden would be 61,573 hours compared to NIS-3's 63,681 hours.

16. Project Schedule and Plans for Publication

The NIS-3 data collection for both prisons and jails was completed in May 2012. The final report was published in May 2013. Similarly, BJS plans to publish a report a year

after the end of data collection. The planned title is “Sexual Victimization in Prisons Reported by Inmates, 2023.”

The project schedule is provisional due to the COVID-19 outbreak. This schedule assumes it is feasible to work with each state’s Department of Corrections, the Bureau of Prisons, and the sampled facilities to facilitate data collection beginning in March 2023. The planned schedule is as follows:

- o Initial outreach to DOCs and the BOP: July 2022 (approved through OMB 1121-0339)
- o Obtaining research approvals: July 2022 - July 2023 (approved through OMB 1121-0339)
- o Logistics outreach: October 2022 - September 2023
- o Cycle 1 field interviewer training: February 2023
- o Cycle 1 data collection: March 2023 - July 2023
- o Cycle 2 field interviewer training: April 2023
- o Cycle 2 data collection: May - October 2023
- o Data Processing and weighting: March 2023 – December 2023
- o Data file delivered to BJS: December 2023
- o Initial table shells created: February 2024
- o Final report published October 2024

17. Expiration Date Approval

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

18. Exceptions to the Certification Statement

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