



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Washington, DC 20531

MEMORANDUM TO: Robert Sivinski
Office of Statistical Policy and Planning
Office of Management and Budget

THROUGH: Alexis R. Piquero, Director, Bureau of Justice Statistics (BJS)
Kevin M. Scott, Deputy Director, BJS

FROM: Rich Kluckow, Corrections Unit Chief, BJS
Emily Buehler, Statistician, BJS

SUBJECT: Generic Information Collection Request: Cognitive testing for the
2023 Survey of Sexual Victimization through the generic clearance
agreement granted to BJS (OMB Number 1121-0339).

DATE: February 8, 2023

Request: BJS requests approval to cognitively test revisions to the Survey of Sexual Victimization (SSV) under its generic clearance (OMB number 1121-0339).

The Survey of Sexual Victimization collects administrative data annually on the incidence of sexual victimization in adult correctional and juvenile facilities. The SSV is primarily collected via a self-administered questionnaire. Respondents are mailed a letter informing them of the requirement to complete the survey and providing them with access information. A preview of the questionnaire is available for respondents to download to review the survey questions and instructions.

Purpose: The SSV is an administrative data collection designed to collect information on allegations of sexual victimization by other inmates or staff that are reported to correctional and juvenile justice authorities. Additional information is collected on the victim(s), perpetrator(s), characteristics of the incident, and outcomes of substantiated incidents.

In 2022, members from the Data Collections Methodology & Research Branch (DCMRB) of the Census Bureau met with the SSV sponsors from BJS and the Economic Reimbursable Surveys Division (ERSD) of the Census Bureau to discuss findings from an expert review. These findings and recommendations were then used to develop a protocol for early-stage scoping interviews. A participant count of (9) early-stage scoping interviews were conducted in summer of 2022 for the 2020 Survey of Sexual Victimization instrument forms SSV-1, SSV-2, SSV-3, SSV-4, SSV-5, SSV-6, SSV-1A, & SSV-1J. These scoping interviews and a data quality review of previous years of SSV data were used to modify the data collection instruments. The data quality review included analysis of write-in responses and logic checks to explore if respondents were selecting conflicting response options in cases of multiple victims and perpetrators. Current best practices in survey design were also considered when revising the instruments.

The cognitive testing to be conducted will include modification/revisions to existing questions and definitions. In general, respondents will be asked to review changes and for their feedback about the feasibility of answering questions, the level of burden associated with the forms, and the clarity of the forms.

The following changes have been made to the summary forms (SSV-1, SSV-2, SSV-3, SSV-4, SSV-5, and SSV-6):

- Definitions of the types of sexual victimization have been standardized to match the 2012 PREA Standards. Respondents will now be asked to report the number of allegations of inmate-on-inmate sexual abuse and sexual harassment and staff-on-inmate sexual abuse and sexual harassment. Given that facilities have structured their policies and practices according to this federal guidance and for purposes of PREA audits, we have decided to simplify the types of victimization asked about on the forms and use these definitions.
- Check boxes for cases when there were “none” or “zero” of an allegation type have been removed and instructions added for respondents to write a zero on the form.

The incident forms (SSV-1A and SSV-1J) have had their overall structure altered and we have made revisions and additions to specific questions on the forms. The form now has four main sections. The first contains basic incident-level details that apply regardless of the type of victimization (date, facility, location, video monitoring, time, reporting party, and general type of victimization). The second section asks about the number of victims and about victim-level information for up to two victims. The purpose of this change is to be able to link outcomes for a victim (injury, treatment, sanction) to their demographic details and give details of people who experienced each outcome rather than describe these at the incident level. Previously, the incident forms only collected demographic data of sex/gender identity, age, and race/ethnicity at the individual level and outcomes were asked at the incident-level.

The third section asks about details for an inmate/youth-perpetrated sexual victimization incident, starting with incident-level items that ask about the nature of the incident; types of pressure, coercion or forced used; and the number of inmate/youth perpetrators involved. The section then asks for demographic details and sanctions for up to two perpetrators. This again allows us to link demographic details to specific outcomes for the perpetrator. The fourth section is related to staff-perpetrated incidents. There are two incident-level items that ask about the

nature of the incident and number of staff involved. Then, for up to two staff members, there are items for demographic details, employment details, and sanctions. Again, this will allow for analysis that links outcomes to person-level details and characteristics.

If there are more than two victims, inmate/youth perpetrators, or staff perpetrators, respondents will be directed to complete the form online where they will be able to enter individual details and outcomes for up to 15 victims and up to 8 inmate/youth or staff perpetrators. The instructions that guide respondents through the revised structure will be tested for clarity and comprehension. An additional change was the removal of the “Mark all that apply” instruction for lists and allowing respondents to select only options that were applicable. Instead, all response options must be answered with either a “Yes” or “No”.

The following changes have been made to items on the adult and juvenile incident forms:

- Date of Incident
 - A check box was added next to the date of the incident for respondent to indicate if the substantiated incident covered by the form occurred on multiple dates.
- Location of incident
 - A response option of “Location not applicable (e.g., involved written, phone, or virtual communication)” was added.
- Who reported incident
 - The item was moved to earlier in the form and now follows the item that asks about time of incident. This was done so that all incident-level characteristics, regardless of the type of victimization, appear together on the first section of the form.
- Type of sexual victimization
 - Response options were altered to align with PREA standards definitions. Previously, there were five types of victimization: inmate-on-inmate nonconsensual sexual acts, inmate-on-inmate abusive sexual contact, inmate-on-inmate sexual harassment, staff sexual misconduct, and staff sexual harassment. The new form has four types of victimization: inmate-on-inmate sexual abuse, inmate-on-inmate sexual harassment, staff-on-inmate sexual abuse, staff-on-inmate sexual harassment.
 - Directions were revised about which sections should be completed based on the type of victimization.
- Victim sex and separate gender identity question
 - There is a two-part question that asks about sex of victim first followed by gender identity of victim.
 - A response option “gender nonconforming,” which is a direct term from the PREA Standards for inmates whose “whose appearance or manner does not conform to traditional societal gender expectations,” was added.
 - “Unknown” was also added as a gender identity response option.
- Victim race and ethnicity question revised
 - This question includes revisions that are in line with the current OMB public proposal to amend race and ethnicity data collection on federal statistical surveys
 - The response option of “Middle Eastern or North African” has been added.
 - The “other racial category in your information system- specify” was removed.

- Response options were reordered slightly.
- Physical injury
 - Response options of “bites” and “burns” were added based on write-in responses to the “other-specify” category.
 - The order of injuries on the list was changed to reflect increasing severity or potential lethality.
- Post-incident medical treatment
 - The response option of “provided with counseling or mental health treatment” was moved up in the order of the list. It was determined that this was distinct from other physical medical treatment and should be placed before the physical exams and tests given that it is a type of treatment that may be more widely applicable to different types of victimization.
 - A response option of “given post-exposure prophylaxis (PEP) and/or emergency contraception” was added between items related to a rape kit and testing for HIV/AIDS.
 - The response option altered to read “Tests for other sexually transmitted infections” rather than “diseases”.
 - A response option was clarified to include that the victim may have been offered but declined counseling as well as medical treatment.
- Victim sanction/custody change
 - The responses were reordered to reflect the permanence or ease of the custody change, with temporary measures and placements at the start of the list and transfers toward the end. The only sanction in the list was also placed at the end.
- Nature of inmate-on-inmate/youth-on-youth victimization
 - The order of response options was changed to flow from least severe to most severe.
 - The option of “Horseplay” was removed.
- Type of pressure or force
 - The word “coercion” was added to the question wording to more accurately reflect the options shown.
 - “Sexual harassment” was removed as an option because it did not necessarily reflect a type of pressure or force but was instead indicative of the nature of the incident.
 - The options were reordered starting with verbal or situational force to physical pressures.
 - The distinction of the victim being incapacitated was added to touching/groping by surprise or while asleep.
 - Two response options about threats were combined and examples were added because previous items were overly specific and write-in responses revealed there were other types of threats that could be included (such as threats to family or threats to well-being).
 - Additional clarification about how victim was restrained in the incident was added.
- Inmate/youth perpetrator sex or gender identity
 - The form now asks two questions about sex and gender identity.

- The options of “gender nonconforming” and “unknown” were added to the response list for gender identity.
- Inmate/youth perpetrator race and ethnicity
 - This question includes revisions that are in line with the current OMB public proposal to amend race and ethnicity data collection on federal statistical surveys
 - The response option of “Middle Eastern or North African” has been added.
 - The “other racial category in your information system- specify” was removed.
 - Response options were reordered slightly.
- Inmate/youth perpetrator sanction/custody change
 - The responses were reordered to flow from temporary measures to more permanent changes in custody, followed by sanctions related to their current incarceration, and then criminal consequences.
 - A treatment example was added to the following: “Sent to counseling or provided other treatment (e.g. post-exposure prophylaxis)”.
 - “Plead guilty” was added to the response option that details a criminal sanction, so it matches with the outcome in the staff sanction item.
 - “Awaiting a legal outcome” was added as an option so respondents may indicate that there is an ongoing criminal proceeding at the time the form is being completed.
- Nature of staff-on-inmate/youth victimization
 - The response options were reworded and reordered to flow from the least extreme cases of sexual harassment thru sexual abuse.
 - Response 1 corresponds to the definition of staff sexual harassment
 - Responses 2 and 3 now form the basis of an inappropriate relationship between staff and inmate (communication and grooming activities).
 - Responses 4-8 cover behaviors outlined in the definition of staff sexual abuse.
- Staff sex and gender
 - The previous form asked only about the sex of staff. The revised form now asks both about sex and gender identity of the staff.
 - Response options of “transgender”, “gender nonconforming” and “unknown” were added to the gender identity question.
- Staff perpetrator race or ethnicity
 - This question includes revisions that are in line with the current OMB public proposal to amend race and ethnicity data collection on federal statistical surveys
 - The response option of “Middle Eastern or North African” has been added.
 - The “other racial category in your information system- specify” was removed.
 - Response options were reordered slightly.
- Staff position description
 - The response options were reordered so that the positions with the most direct contact are first and the positions with the least direct contact with inmates/youth are last.
- Staff sanction
 - Sanctions were reordered according to severity, with training being the least severe option and criminal consequences the most severe.

- A response option of “awaiting a legal outcome” was added to account for criminal consequences not yet being finalized at the time the form is being completed.

The results from the cognitive testing will be recorded and a report will be produced that outlines the findings of the early-stage scoping testing and recommendations for improvement to questions. Data collected will include:

- Understanding how respondents comprehend specific questions
- Identifying respondents’ use of records and/or estimation strategies for answering specific questions
- Assessing respondents’ ability to answer specific questions
- Identifying difficulties in completing the questionnaires
- Soliciting feedback on how respondents approach questions on sex and gender identity
- Recommended changes to questions and response options to be implemented in the SSV

Population of Interest: State prison systems; state juvenile correctional systems; the federal prison system; U.S. Immigration and Customs Enforcement (ICE); the U.S. military; and a sample of jail jurisdictions, privately operated adult prisons and jails, facilities in Indian country, and locally and privately operated juvenile justice facilities.

Timeline: Cognitive testing will be conducted from February-August 2023.

Language: Interviews will be conducted in English only.

Method: Interviews will be conducted virtually utilizing Microsoft Teams.

Sample: BJS and the Census Bureau team will conduct cognitive interviews with up to 30 respondents across two rounds of iterative testing to evaluate and refine the new and revised questions. These interviews will be conducted via Microsoft Teams. Interviews will be conducted by researchers from DCMRB. Special Sworn Status staff from BJS and/or Census may observe if available. Interviewers will use probes to assess respondents’ understanding of the questions and the flow of the questionnaire.

All participants will be informed that their response is voluntary and that the information they provide is confidential and will be seen only by Census Bureau employees and those with special sworn status.

Table of respondent types and survey instruments to be tested:

Respondent affiliation	Number of respondents to be interviewed	Summary form type	Incident form type
Federal BOP	1	SSV-1	SSV-IA
State prison system	3-5	SSV-2	SSV-IA
Local jails	5-7	SSV-3	SSV-IA
Private prisons, ICE facilities, U.S. military facilities, tribal jails	5-7	SSV-4	SSV-IA

State juvenile system	3-5	SSV-5	SSV-IJ
Local or private juvenile facilities	5-7	SSV-6	SSV-IJ

Recruitment: Respondents will be recruited via email and will be able to choose their preferred date for interviewing through Qualtrics. Respondents will be informed that their participation is voluntary and will receive a form for consent via Qualtrics.

Protocol: The protocol for the study is enclosed (see Attachment A). BJS and DCMRB anticipate that each interview will take 1 hour to complete.

Use of Incentive: Monetary incentives for participation will not be offered.

Length of interview: BJS and DCMRB plan to reach out to 40 potential respondents with a goal of interviewing 30 representatives from adult and juvenile facilities. Each cognitive interview will last no more than 60 minutes (30 cases x 60 minutes per case = 30 hours). Additionally, to recruit respondents we expect to make up to 5 email contacts per completed case. The recruiting emails are expected to take on average 3 minutes to read (5 attempted emails per completed case x 40 cases x 3 minute per case = 10 hours). Thus, the estimated burden for the cognitive interview portion of this project is 40 hours (30 hours for interviews + 10 hours for recruiting). The total burden for all testing is 40 hours.

Summary of burden hours for SSV Cognitive Testing				
Reporting mode	Purpose of contact	Number of respondents	Average reporting time	Total burden hours
Email	Participant recruitment	40	15 mins	10
Interview	Participate in Cognitive Test	30	60 mins	30
Total				40

The contact person for questions regarding data collection and statistical aspects of the design of this research is listed below:

Emily D. Buehler, Ph.D.
 Statistician
 Bureau of Justice Statistics
 202-598-1036
Emily.buehler@usdoj.gov

Krysten Mesner
 Data Collection Methodology & Research Branch
 Economic Statistics and Methodology Division
 U.S. Census Bureau
 Washington, D.C. 20233

(301) 763-9852

Krysten.Mesner@census.gov

cc:

Nick Orsini	(ADEP)
Amy Newman Smith	(ESMD)
Amy Anderson Riemer	(ESMD)
Kimberley Moore	(ESMD)
Magdalena Ramos	(ESMD)
Aneta Erdie	(ERD)
Naomi Blackman	(ERD)
Greta Clark	(ERD)
Kevin Scott	(BJS)
Joseph Conklin	(BJS)
Rich Kluckow	(BJS)

Appendices:

Attachment A: Protocol used to outline how the research study will be conducted

Attachment B: Consent form to obtain participant consent for participation and recording of the cognitive interview session

Attachment C: Recruitment email sent to participants

Attachment D: Screenshots of the draft instruments

Attachment E: 2023 SSV surveys - summary and incident forms