

SUPPORTING STATEMENT—PART A

Survey of Sexual Victimization 2023, 2024, 2025

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 2023-24, gathers allegations of sexual victimization self-reported from individuals 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 formerly incarcerated individuals on active supervision. The SSV (OMB No. 1121-0292), with data collections annually since 2004, collects allegations of sexual victimization reported to correctional and juvenile justice authorities, outcomes of investigations into allegations and details of substantiated incidents.

BJS requests clearance to conduct the 2023-25 SSV under OMB Control No. 1121-0292. The last SSV was fielded in 2023 and collected 2022 calendar year data. It was approved under the same OMB Control No. 1121-0292 (exp. date 08/31/2024).

Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The SSV series (OMB No. 1121-0292), in its 19th 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.

In 2012, the U.S. Department of Justice (DOJ) issued the *National Standards to Prevent, Detect, and Respond to Prison Rape* (28 C.F.R. part 115) (**Attachment 2**). 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 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)).

The SSV received OMB approval in 2004, 2007, 2011, 2014, 2016, 2018, and 2021. The survey obtained a three-year OMB approval for years 2021, 2022 and 2023, which expires on 8/31/2024. BJS requests approval for the SSV collection for 3 years, covering collection during years 2024 through 2026.

The SSV Summary Forms (i.e., SSV-1, SSV-2, SSV-3, SSV-4, SSV-5, SSV-6, see **Attachment 3**) 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 under investigation. 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). An SSV Substantiated Incident Form (i.e., SSV-IA, SSV-IJ, see **Attachment 3**) 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). There are two versions of the summary form: one for adult facilities and one for juvenile facilities.

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. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

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 agency-level data based on the SSV results.

Data from the SSV have been published in BJS reports 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). Additionally, two reports describing substantiated incidents have been released: [*Substantiated Incidents of Sexual Victimization Reported by Adult Correctional Authorities, 2016-2018*](#) (NCJ 304834, January 2023) and [*Substantiated Incidents of Sexual Victimization Reported by Juvenile Justice Authorities, 2013-2018*](#) (NCJ 305192, March 2023). These published reports presented estimates of allegations and incidents of inmate-on-inmate sexual harassment separately from other types of sexual victimization and are not included in annual or aggregated totals described below. Data collections for the 2019, 2020 and 2021 reference years have been completed and are currently being analyzed, with a report summarizing the adult summary and incident data from 2019 and 2020 on schedule to be published by summer 2024. Remaining adult data from 2021 and 2022 will be published in 2025. The next juvenile report will also contain both summary and incident data for 2019-2022, however BJS may release a statistical brief covering the 2019-2020 aggregate data in the interim before a full summary and incident-level report. BJS also is considering the feasibility of releasing smaller topic-specific reports covering areas of special interest to the field such as rates of victimization by demographic characteristics in different types of facilities. The 2022 reference year collection is currently being processed. The 2022 reference year collection is currently being processed.

All SSV reports are available on the BJS website. Currently, there are no SSV data archived for researcher use. 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. BJS is evaluating the annual files for data quality, assessing disclosure risk, and determining the appropriate variables and access restrictions for these data.

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, the most recent publicly available reporting period, 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 complimentary picture of sexual victimization as reported to adult correctional and juvenile justice authorities in correctional facilities to the self-reported experiences in the NIS and NSYC. 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 2**, Sec. 115.87 Data Collection). These standards have provided guidance and assistance to facilities to ensure they meet their mandates under PREA. The SSV had historically collected information on three types of inmate-perpetrated sexual victimization (nonconsensual sexual acts, abusive sexual contact and sexual harassment) and two types of staff-perpetrated victimizations (sexual misconduct and sexual harassment).

Starting with the 2023 SSV collection, definitions of sexual victimization used for the SSV will be aligned with the definitions outlined in the *National Standards* (see **Attachment 2**, Sec 115.6 Definitions related to sexual abuse). The SSV summary form will measure inmate sexual abuse and sexual harassment and staff sexual abuse and sexual harassment to be consistent with language of the 2012 *National Standards* (see more discussion of these changes in Section 5).

Data collected by the SSV and other NPRSP surveys are used by DOJ, 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 self-reports by individuals incarcerated in correctional facilities 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 agencies 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 the individuals incarcerated in correctional facilities 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 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. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.**

The SSV will be conducted as a web data collection (see **Attachment 4** for website screenshot) but will also allow submission via hardcopy and fillable PDF by mail. SSV incident forms in which there were more than two victims or perpetrators must be completed online in the web data collection form. 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 versions of the form as a part of the initial mailing, but rather were directed to request a paper form if needed. This decreased paper use 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. The percentage of web submissions did decrease from the high rate in 2019 down to 80% in SSV 2020 and 74% in SSV 2021.

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.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item A.2 above.**

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 justice 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. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

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

When the SSV was first implemented in 2004, data collection included definitions and counting rules for four types of sexual victimization: nonconsensual sexual acts, abusive sexual contact, staff sexual misconduct, and staff sexual harassment. In 2012, the DOJ issued the *National Standards to Prevent, Detect, and Respond to Prison Rape* 28 C.F.R. Part 115 (see **Attachment 2**). At this time, *inmate-on-inmate sexual harassment* was added to the SSV in 2013. The definitions for the four other types of victimization remained unchanged at this time as these were definitions familiar to respondents from previous iterations of the survey. However, these standards also introduced and defined inmate sexual abuse, staff sexual abuse, and staff sexual harassment (see **Attachment 2**, Sec 115.6 Definitions related to sexual abuse). As part of the SSV instrument evaluation and redesign in 2022-2023, it was determined that jurisdictions and facilities have overwhelmingly adopted definitions of the four types of abuse and harassment outlined in the standards as part of their record keeping and investigations. Agencies and facilities found it burdensome that SSV definitions did not align with the PREA *National Standards*. In an effort to reduce burden and more closely align with the PREA *National Standards*, the 2023 SSV Summary Forms will ask about 4 types of sexual victimization: inmate sexual abuse (which includes within it the previously defined nonconsensual sexual acts and abusive sexual contact incidents), inmate sexual harassment, staff sexual abuse (which includes all the same actions and behaviors of the previously defined staff sexual misconduct), and staff sexual harassment. The 2023 SSV Summary Forms (SSV1-6) will include counts of reported allegations related to these four types of victimization and the outcomes of investigation into allegations, whether they were substantiated, unsubstantiated, unfounded, or under investigation.

The Census Bureau and BJS provide respondents with technical assistance as needed to minimize respondents' efforts in data collection and to improve data quality. In an effort to expand upon this, the Census Bureau will investigate the possibility of a mass data upload process through a spreadsheet or API that would allow state and federal respondents to submit data more efficiently. Should one of these methods be effective, the Census Bureau will work with small business entities that currently provide PREA data tracking software and services to adult correctional and juvenile justice systems for implementation. These small business entities include Tetras Corp, the makers of PREATrac Software, and Argus Corrections Solutions, the company that produced IRIS Investigations Suite software.

6. Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

BJS is required by law (P.L. 108-79) to collect PREA 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. Additionally, the SSV is the only national, annual administrative data collection that uses standardized definitions to measure sexual victimization. These data represent reported victimization incidents generally and also provide the only nationally representative estimates of the characteristics of incidents, victims, and perpetrators of sexual victimizations that have been substantiated after investigation.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- requiring respondents to report information to the agency more often than quarterly;
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- requiring respondents to submit more than an original and two copies of any document;
- requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
- in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- requiring the use of statistical data classification that has not been reviewed and approved by OMB;
- that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

No special circumstances have been identified for this project.

8. If applicable, provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

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 89, Number 29, pages 9867-9868, on February 12, 2024 (**Attachment 5**). The 30-day notice for public commentary was published in the Federal Register (89 FR 37262) on May 6, 2024 (**Attachment 6**). Following the publication of the 60-day notice, BJS received approximately 32 comments from five different sources – two were letters from advocacy organizations and four were from state PREA coordinators.

There were comments received that related specifically to the data collection processes and concerns for collecting new data as part of the revised forms. One PREA coordinator commented on how their agency's systems have been configured to record data for the previous version and that it would take time, money, and updated programming of systems to accommodate these changes. There were also some comments highlighting that agencies do not currently track certain information, such as citizenship or disability status of inmates or youth. In the case of the SSV-IA and SSV-IJ forms where there are more changes, the majority of items have a "mark all that apply" format, meaning if information is not currently tracked or is not known, respondents can skip the questions or use the response option of "unknown". BJS is sharing updated SSV forms with several companies that provide PREA management software so that they can update programs and automate reports accordingly. Additionally, one respondent voiced concern over changes to the definitions of sexual victimization. However, the change to definitions proposed will aggregate two previously separate types of allegations of victimization under one category – nonconsensual sexual acts and abusive sexual contact under one category of inmate/youth-perpetrated sexual abuse – which means that even if allegations for 2023 were collected under two categories, they can be summed into one with minimal effort and without additional information being necessary.

An additional comment was received about the SSV incident forms for a given reference year being made available at the start of the calendar year to ease respondent burden (i.e., forms for the SSV 2025 being made available January 2025 rather than being sent to administrators at the start of data collection for SSV 2025 which would begin in fall 2026). Because many PREA investigators complete the SSV-IA and SSV-IJ as allegations are substantiated, making the form available during the calendar year would allow them to complete the forms and hold on to them until the data collection cycle begins. BJS will attempt to make these incident forms available at the start of the concurrent calendar year to aid PREA coordinators in making their processes more efficient.

There were suggestions for revisions to the wording of existing questions as well as added response options for questions. Some of these, such as suggestions about measuring staff perpetrators' sex assigned at birth or adding "non-binary" and "gender-fluid" as response options, were explored as part of the instrument redesign research. From moderated and unmoderated cognitive testing, BJS settled upon questions and response options that could be completed by the majority of respondents, while providing flexibility by offering an "other-specify" option for gender identity of inmates and youth. The majority of participants in the

research efforts reported they would not be able to provide staff's sex assigned at birth or gender identity, therefore the item and response options from previous versions of the SSV were retained. There were many suggested additions to questions about the treatment received for a victim after a substantiated incident, one of which BJS will add to the form – “Given a pregnancy test”. However, many of the suggested categories or changes suggested had potentially ambiguous meanings and were unnecessarily limiting or specific. Additionally, in the analysis of “other-specify” write-in responses from previous SSV data collections and in stakeholder and cognitive interviews with respondents about missing options, these suggestions did not come up. This suggests administrators may not see the need for them or be able to provide such information.

Several comments included proposals for new items to be added to the SSV incident forms. These included suggestions to include questions about lifetime victimization and history of victimization during incarceration, emotional and social impacts of victimization, involvement of the victim in the investigation process, spoken and preferred language of the victim, who an allegation was reported to, and institutional changes that were made in response to the incident. There was also a suggestion to explore why the majority of allegations reported are unsubstantiated or unfounded upon investigation. Many of these suggestions are not feasible given the scope of the SSV. For instance, it would be a significant burden to collect data about every allegation and characteristics of investigations of sexual victimization as there are nearly 40,000 allegations reported annually. Several suggestions would be difficult to verify using administrative records, such as a lifetime history of victimization or the emotional harms of abuse or harassment and are better suited for self-reported surveys such as the National Inmate Survey or National Survey of Youth in Custody.

There were also comments received that supported administration of the SSV and for the proposed changes. For example, it was noted that the inclusion of definitions of key terms was a strength of the instrument and a PREA coordinator was pleased to see that nonconsensual sexual acts and abusive sexual contact were being combined into a single category. Another commented on the importance of SSV data for understanding the prevalence of sexual victimization and how data could be used to strengthen services for victims. For a list of all comments and full responses, see **Attachment 5**.

During 2022 and 2023, BJS and its data collection partners at the U.S. Census Bureau conducted research and development efforts to improve the sampling design and instruments for the SSV (See **Attachment 7** for the full report of the sampling redesign efforts). As part of these efforts, PREA coordinators and compliance managers from across the adult correctional and juvenile justice systems were consulted to get their views on the current data collection instruments and their challenges as well as to solicit feedback on potential changes (see **Attachment 8** for a full report of instrument redesign process and types of respondents consulted). These consultations included –

- initial scoping interviews with 9 respondents to discuss their record systems and thoughts on data elements to change as part of the SSV.

- Two rounds of iterative cognitive testing interviews with 31 total respondents for feedback about changes to the summary and incident forms.
- One round of unmoderated cognitive testing with 189 respondents to test selected items being substantially altered on the incident form as well as new items being proposed.

In total, BJS consulted with 229 respondents to the SSV annual data collection, representing nearly 15% of all agencies that are in sample each year. As a result of this feedback, BJS is proposing several changes to the instruments designed to reduce burden, better align with existing record systems, and provide data on characteristics of incidents, victims and perpetrators that are of interest to the field (see **Attachment 8**, pages 105-114, for a summary of changes to forms).

9. Explain any decision to provide any payments or gifts to respondents, other than remuneration of contractors or grantees.

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 prison or jail facilities or juvenile facilities.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

All SSV information is confidential by law under Title 34, U.S.C., Sections 10231 and 10134 and Title 13, U.S.C., Section 9. 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. 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.

BJS provides the following assurance to data providers on the data collection launch letter:

- 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.

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 nor make public the incident-level data files.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

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 demographic information. These person-level characteristics will include age at the time of the incident, race/ethnicity, sex, gender identity, disability status, citizenship status, and some details about outcomes for the people involved such as physical injuries, medical treatments, changes in custody, and sanctions. These data are collected to better understand the incidence of sexual victimization among groups who may be most vulnerable and at risk. Additionally, there are characteristics of the substantiated incident itself, such as the location, time of day, and who reported the incident. Such details provide insight into security vulnerabilities that may exist within facilities.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. General, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

BJS estimates the annual burden for all respondents at 3,047 hours. These estimates are based on a 100% response rate because in order to be PREA-compliant, all agencies contacted are required to respond. However, the survey does not usually achieve a 100% response rate (there

was 90% response rate in 2021 and 95% response rate in 2020). BJS anticipates emailing 1,492 pre-notification letters (**Attachment 9**) and both emailing and mailing via USPS approximately 1,492 survey invitation letters for collection year 2023 (**Attachment 10**). These invitation letters contain user identification numbers and passwords to log in to the SSV website for data submission. Respondents will not be mailed physical copies of the Summary and Incident Forms unless requested. 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).

The estimated average amount of time to complete the SSV-1, SSV-2, and SSV-5 (system-level Summary Forms) is 1 hour. These forms have been redesigned with anticipated time-saving changes that consolidate nonconsensual sexual acts and abusive sexual contact allegations into a single measure of inmate sexual abuse. However, the change in definitions will require respondents to spend additional time on these items. As a result, the length of time needed to complete summary forms is anticipated to remain the same when accounting for a decrease in amount of data requested coupled with a change to the definitions of victimization types on the form. The average amount of time to complete the SSV-3, SSV-4, and SSV-6 (facility-level summary forms) is estimated to remain at 30 minutes. In 2020, about 45% of adult and 65% of juvenile administrators reported zero allegations of sexual victimization. Those that report zero allegations would have reduced burden in completing these summary forms and would not require the full 1 hour or 30 minutes (depending on the type of respondent).

The SSV-IA and SSV-IJ Substantiated Incident Forms are estimated to take about 40 minutes to complete for each substantiated incident of sexual victimization. This is an increase in previous estimates of 30 minutes due to the addition of some demographic items for inmate or youth victims as well as requiring respondents to provide outcomes per victim or perpetrator rather than outcomes that applied to all persons at the incident level. Estimates include supplying the information requested and documenting or explaining the data. While the time to complete such forms has increased, the majority of respondents do not complete incident forms – In 2020, 69% of adult and 84% of juvenile administrators reported zero substantiated incidents. Additionally, the increased burden will primarily consist of more information being required if an incident involved two or more victims or perpetrators. During the aggregated period of 2016 to 2018, 15% of incidents in adult correctional facilities included multiple victims or perpetrators and 85% of incidents involved one victim and one perpetrator. Therefore, the increased burden of providing outcomes per person will not affect the majority of respondents completing incident forms. Combining the completion of the summary and incident forms, the estimated annual burden for all respondents is 3,047 hours (see Table 1 below).

Table 1. Estimated SSV Annual Burden Hours

Form	Total number of respondents	Frequency	Total annual responses	Time per response (mins)	Total annual burden (hours)	Hourly rate*	Monetized value of respondent burden
SSV-1	1	1	1	60	1	\$40	\$40

SSV-2	50	1	50	60	50	\$33	\$1,650
SSV-3	700	1	700	30	350	\$36	\$12,600
SSV-4	198	1	198	30	99	\$33	\$3,267
SSV-5	51	1	51	60	51	\$33	\$1,683
SSV-6	492	1	492	30	246	\$36	\$8,856
Summary form total	1,492		1,492	-	797	-	\$28,096
SSV-IA	2,500	1	2,500	40	1,875	\$34	\$63,750
SSV-IJ	500	1	500	40	375	\$34	\$12,750
Incident form total	3,000		3,000	-	2,250		\$76,500
Grand total	4,492		4,492	-	3,047		\$104,596

*Hourly rates from the U.S. Bureau of Labor Statistics, First-line supervisors of correctional officers, using means values of government levels for certain form types and national averages - <https://www.bls.gov/oes/current/oes331011.htm>

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- The cost estimate should be split into two components: (a) a total capital and start up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of service component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There are no costs to respondents other than that of their time to respond.

14. Provide estimates of the annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 into a single table.

The estimated costs for collecting, processing, and disseminating the SSV 2023 data is \$1,028,200. For SSV 2024 and SSV 2025 the estimated costs are \$1,078,200 per year (Table 2).

Table 2: Estimated Annual Costs for the SSV 2023-2025

BJS costs			SSV 2023	SSV 2024	SSV 2025
		Staff salaries			
		GS-13 Statistician (40%)	\$50,000	\$50,000	\$50,000
		GS-11 Statistician (50%)	\$41,400	\$41,400	\$41,400
		GS-15 Supervisory Statistician (3%)	\$4,900	\$4,900	\$4,900
		GS-15 Chief Editor (3%)	\$4,900	\$4,900	\$4,900
		GS-14 Editor (5%)	\$7,000	\$7,000	\$7,000
		GS-12, Designer (2%)	\$2,000	\$2,000	\$2,000
		GS-14, Information Technologist (3%)	\$4,200	\$4,200	\$4,200
		Senior BJS Management	\$8,000	\$8,000	\$8,000
		Fringe benefits (28% of salaries)	\$33,100	\$33,100	\$33,100
		Subtotal: Salary & fringe	\$155,500	\$155,500	\$155,500
		Other administrative costs of salary & fringe (15%)	\$22,700	\$22,700	\$22,700
		Subtotal: BJS costs	\$178,200	\$178,200	\$178,200
		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.)	\$850,000	\$900,000	\$900,000

Total estimated costs	\$1,028,200	\$1,078,200	\$1,078,200
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Census Bureau costs for the SSV 2024 and the SSV 2025 will exceed that of the SSV 2023 by about \$50,000. New tasks performed under SSV 2024 and 2025 will include –

- a. Expand web-based Frequently Asked Questions (FAQs) to include more examples and explanations based on respondent questions and concerns. Update these FAQs annually.
- b. Continue research and planning for the creation of a General Processing System (GPS) for the purpose of producing longitudinal summary and incident-based data files back to 2004. When such files meet the standards and needs of BJS, these summary-data and incident-data files should be produced and delivered annually.
- c. Establish a crosswalk for variables collected in SSV 2022 and prior collections and variables that will be new or revised for SSV 2023 collections onward.
- d. Update sampling design variables and documentation for the SSV 2022 collection and prior RY collections covered under the previous OMB clearance if deemed necessary, to support BJS needs to create standard errors for prevalence estimates.

15. Explain the reasons for any program changes or adjustments.

BJS has continued to implement improvements to this collection in order to increase data quality and reduce burden to respondents. Specifically, during 2022-2023, BJS allocated \$500,000 toward research and development of the SSV adult and juvenile survey sampling designs as well as the summary and incident forms. These efforts included –

- A full evaluation of the survey sampling methods used for adult and juvenile facilities and research into streamlining processes for improved estimates and reduced variance (see **Attachment 7** for report and recommendations). This evaluation resulted in recommendations for changes to the sampling designs for the following facility types -
 - o Private prisons
 - o Public jails
 - o Private jails
 - o Tribal jails
 - o Local and private juvenile facilities
- Research and development of the summary and incident forms including a questionnaire appraisal and expert review, early-stage scoping interviews with stakeholders, two rounds of iterative cognitive testing with 31 total participants, and an unmoderated cognitive survey of 189 participants (see **Attachment 8** for report and recommendations).

As a result of this research, BJS plans to implement changes to sampling methods from previous iterations of the survey as well as changes to both the summary and incident data collection forms. These changes to the forms were heavily influenced by feedback from numerous data providers and will help to reduce burden while also increasing the analytic utility of the SSV data.

The estimated total annual hours for 2023 (3,047) is higher than SSV 2022 (2,342 hours). This change in estimated burden is due to changes to the summary and incident forms made based on the research efforts described above. The length of time needed to complete summary forms is anticipated to remain the same when accounting for a decrease in amount of data requested coupled with a change to the definitions of victimization types on the form.

However, the time needed to complete incident forms is expected to increase. This increase in burden will be limited to any facility or system that completes substantiated incident forms, and those with the greatest burden will be respondents who are reporting a substantiated incident that involved multiple victims or perpetrators. While more time may be needed to complete these incident forms, the increased utility of the resulting data will add important insight into the nature of victimization by tying specific outcomes (injuries, medical treatment, sanctions, etc.) to the demographic characteristics of victims and perpetrators.

In efforts to ease the transition to new forms, BJS is planning a number of outreach and educational activities that highlight the differences to data responders. These include: presentations at the annual PREA coordinator's conference and other meetings of corrections professionals, live and recorded webinars published to the BJS website and shared with data providers, a factsheet delivered at the time of data collection launch, how-to videos, and a Frequently Asked Questions (FAQs) resource on the web data collection page. BJS will continue to explore ways to decrease burden for respondents that provide large numbers of incident files, specifically state and federal prisons and state juvenile systems.

16. For collections of information whose results will be published, outline plans for tabulations, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

Upon OMB approval, BJS plans to email the SSV 2023 data collection pre-notification letters (**Attachment 9**) alerting respondents to the imminent start of the collection followed two weeks later with mailed invitation letters (**Attachment 10**) in early fall 2024. Respondents will be asked to submit their data within 6 to 8 weeks of the survey launch. Data collection, cleaning, and weighting are expected to be completed by summer of 2025 (see Part B for a detailed data collection schedule). SSV 2024 and SSV 2025 will launch in summers of 2025 and 2026, respectively, with submissions due in November.

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.

Table 3. Project schedule milestones and plans

Task	SSV 2023 Reference Year Key Dates	SSV 2024 Reference Year Key Dates	SSV 2025 Reference Year Key Dates
Sampling	-	07/2025 - 08/2025	07/2026 - 08/2026
Pre-notification and launch letters	09/2024	08/2025	08/2026
Data collection	09/2024 – 11/2024	08/2025 – 11/2025	08/2026 – 11/2026
Nonresponse follow-up	11/2024 – 05/2025	11/2025 – 05/2026	11/2026 – 05/2027
Data processing	05/2025 – 07/2025	05/2026 – 07/2026	05/2027 – 07/2027
Data delivery to BJS	08/2025	08/2026	08/2027
BJS data analysis and report write-up	08/2025 – 05/2026	08/2026 – 05/2027	08/2027 – 05/2028
BJS report release	06/2026	06/2027	06/2028

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We are requesting no exemption. The OMB Control Number and the expiration date are published on the SSV forms.

18. Explain each exception to the certification statement

This collection of information does not include any exceptions to the certificate statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

This collection contains statistical data.

List of Attachments

Attachment 1. PREA Public Law

Attachment 2. PREA standards

Attachment 3. SSV Summary and Incident Forms – SSV-1, SSV-2, SSV-3, SSV-4, SSV-5, SSV-6, SSV-IA, SSV-IJ

Attachment 4. SSV Website Pages

Attachment 5. 60 day notice, public comments and responses

Attachment 6. 30 day notice

Attachment 7. Sampling redesign report

Attachment 8. Instrument research and redesign report

Attachment 9. Pre-notification letter

Attachment 10. Launch/invitation letter

Attachment 11. Non-response script

Attachment 12. Director final reminder letter

Attachment 13. Telephone and email quality follow-up

Attachment 14. Confirmation of data submission web page