

SUPPORTING STATEMENT

A. Justification

1. Necessity of Information

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 violence within correctional facilities. A data collection program of this complexity and scale on such sensitive subject matter is unprecedented.

To implement the Act, BJS has developed the National Prison Rape Statistics Program (NPRS), which includes five separate data collection efforts: the Survey on Sexual Violence (SSV), the National Inmate Survey (NIS), the Survey of Youth in Custody (SYC), the Former Prisoner Survey (FPS), and a medical surveillance project to track medical and behavioral indicators of sexual violence. Due to the sensitive nature of violent victimization and potential reluctance to report sexual assault, BJS will collect multiple measures on the incidence and prevalence of sexual assault.

Each of these collections are independent and, while not directly comparable, will provide various measures of the prevalence and characteristics of sexual assault in correctional facilities. The SSV series reports what incidents of sexual violence are reported to and substantiated by correctional authorities. The NIS will collect allegations of sexual assault self-reported by inmates to a confidential computer questionnaire. The SYC will collect similar allegations from youth in residential placement. The FPS will measure allegations of sexual assault experienced during their last incarceration, as reported by former inmates on active supervision. Finally, the medical surveillance project will demonstrate whether there is a correlation between results from the administrative records and inmate allegations with medical measures of sexual activity in a subpopulation of sampled facilities.

This submission is to seek clearance for the National Inmate Survey (NIS). This is a self-report survey administered to inmates held in adult correctional facilities. BJS has a cooperative agreement with Research Triangle Institute (RTI) to collect data for the NIS. Due to the sensitive nature of the topic, BJS has undertaken several precautions to maximize confidentiality. First, there will be two possible questionnaires the respondent could receive. About ten percent of respondents will receive a questionnaire about drug and alcohol use and treatment prior to their admission. The remainder of respondents will receive the questionnaire on sexual violence. 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.

Second, all respondents will spend about the same amount of time completing the survey, regardless of which questionnaire they are assigned. Those respondents experiencing no victimization may complete the sexual violence questionnaire more quickly. The remainder of the survey will be padded out using the drug and alcohol questions. In the pretest all respondents took about 26 minutes to complete the survey, whether they were victims or not, and whether they received the sexual assault questionnaire, the drug and alcohol questionnaire, or some combination thereof.

Based on the pretest, most respondents who receive the sexual assault survey will report no victimization and go on to receive some drug and alcohol questions to pad out the survey. Of those finishing the sexual assault questionnaire, 84% reached the alcohol use module, 80% reached drug use module, and 63% reached the last module on treatment.

This survey will provide the largest collection of data on prison and jail inmate use of alcohol and drugs to date. The data will be assessed as a whole and adjusted for selection bias in order to utilize all responses. The results will be analyzed and released in a BJS report. BJS will coordinate with the Office of National Drug Control Policy to disseminate findings from this portion of the study.

The first part of the survey will be a traditional Computer-Assisted Personal-Interview (CAPI) interaction 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 assault questionnaire or the drug and alcohol questionnaire.

There are a portion of inmates who 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 that this will be a rare event (in the pretest there were 8 PAPI interviews completed of almost 1,500 cases, or less than half of one percent), but is a necessary modification in order to include all inmate populations at risk of sexual assault.

All allegations of sexual violence are important to include in the estimate of sexual assault 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. In the first year, it is anticipated that these activities will span a 12-month period from January 2007 through December 2007. BJS requests authorization for 3 years of data collection. As required by PREA, BJS will produce system-level and facility-level estimates of sexual assault within correctional facilities. Those estimates will be reported to Congress each June 30th as required under the Act.

The package submitted to RTI's Institutional Review Boards (IRB), the subsequent response, and final IRB approval are all attached (Attachments A, B, C). Any additional IRB approvals required from sampled jurisdictions will be obtained prior to conducting any data collection under this clearance.

Data collection for the NIS project is authorized under the Prison Rape Elimination Act of 2003 (Public Law 108-79), a copy of which is attached. The Omnibus Crime Control and Safe Street Act of 1968 (see attachment) as amended (42 U.S.C. 3732), 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 assault within correctional institutions, at a facility-level, as required under the Act.

The purposes of the Act include: "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 assault. 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 and a National Prison Rape Elimination Commission, which will use data collected in the these surveys.

The June 30, 2007 report to Congress will detail results from the administrative records collection, as well as findings from the pretests of the NIS and the former inmate survey (FPS). Prison facility rankings and summary findings will be included in a report to Congress in October 2007. Jail facility rankings and findings will follow in December

2007. 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 assault 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 violence as identified in the June 30 annual reports.

National Prison Rape Elimination Commission – “...shall carry out a comprehensive legal and factual study of the penological, physical, mental, social, and economic impacts of prison rape in the United States...” Duties to be performed by the Commission include: a review of the procedures for reporting incidents of prison rape, an assessment of correctional staff training, and an evaluation of the safety and security of correctional facilities.

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 violence 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 violence within correctional facilities as they relate to the violation of inmate civil rights.

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 violence. The NIS, SYC, and FPS 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.

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 assault questions, inmates will enter the answers themselves using audio computer-assisted self-interview (ACASI) technology (see Attachment E for questions). This will allow them to hear the question being read over headphones as it appears on the screen. 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 and is highlighted as the question and corresponding answers are read. 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 type of facility (prison or jail), and length of stay (“in the last 12 months”—6 months for jails—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 assault reports among respondents. This involves using several different questions to measure the same phenomenon. Pretest data indicate that LCM revealed low levels of both error types.

Finally, use of the computer allows for random assignment of inmates to one of two questionnaires, as described earlier, and pads out response time with additional questions when necessary to assure a consistent amount time spent taking the survey across respondents, which averaged 26 minutes in the pretest.

For inmates who cannot leave their cell or living area, a representative will be taken to the inmate with a PAPI consent form and questionnaire (See Attachments F and G). See Section 1 for additional information.

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 violence within correctional settings.

5. Impact on Small Businesses

This research does not involve small businesses or other small entities. The respondents are inmates held in adult correctional institutions, persons held in juvenile facilities, and former prisoners.

6. Consequences of Less Frequent Collection

The Bureau of Justice Statistics is required by law to collect these data 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. The 60 and 30-day notices for public commentary will be published in the Federal Register.

In developing the survey for the NIS, BJS 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, BJS convened three panels of experts to attend a national workshop in Washington, DC, first on December 15-16, 2003, again on March 23-24, 2005, and most recently on December 8, 2006. Participants were given an opportunity to review the draft NIS questionnaire and to provide input into the methodologies under development. The following experts have been consulted:

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9. Payment or Gift to Respondents

The use of non-monetary incentives will be submitted to appropriate IRB;s for review and approval. BJS will work with prison and jail administrators to identify appropriate incentives for the correctional environment, such as a voucher for a haircut or one hour of extra recreation time. Respondents will under no circumstances be given money or commissary.

10. Assurance of Confidentiality

BJS and RTI hold in confidence any information that could identify an individual according to Title 42, United States Code, Sections 3735 and 3789g. 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 42 (see Attachments D and F). Rates of sexual violence 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 42 USC, section 3879g, 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 attachments, A, B, and C)

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 assault 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 assault, 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 their drug and alcohol use before arrival. Respondents are also reminded that participation is voluntary and they may quit the survey at any time. The sexual assault 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 (www.spr.org) to create a pamphlet listing resources for inmates who may want to talk to an outside source about

issues of sexual assault 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 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 the NIS 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 Pilot Study, it is expected that each ACASI inmate will spend 30 minutes in the interview and each PAPI inmate will spend approximately 10 minutes. The total respondent burden, including both jail staff and inmates, is summarized in the following chart:

Annual Respondent Burden for the Personal Interviews

Description of service	Burden hours per response	Number of responses	Total expected burden hours
Provide roster	1.0 hour	451	451.0 hours
Verify roster	1.0 hour	451	451.0 hours
Inmates, Interview time -- ACASI	.5 hour	88,200	44,100 hours
Inmates, Interview time -- PAPI	.25 hour	1,900	475hours
TOTAL BURDEN	2.50 hours*	90,100	45,477 hours

*Inmates will receive either the ACASI or the PAPI, thus total burden is between 2.25 and 2.5 hours per response. For the total expected burden hours the 2.5 is used.

Estimate of Respondent Cost Burden

The total respondent cost includes the facility staff time to prepare and verify the inmate selection roster and to escort 90,100 potential respondents to an interview location. It is estimated that the facility staff will be available for approximately 36,900 hours to complete the interview process. This includes 900 hours for providing and verifying the roster and 36,000 hours for escorting inmates to and from the interview site. At an estimate of \$20 per hour for 36,900 hours, the estimated respondent cost burden for the entire national survey is \$738,000.

13. Estimate of Cost Burden

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

14. Estimated Cost to Federal Government

The total estimated cost to the government for survey development and implementation is \$13,675,595.

RTI International National Inmate Survey Cost Estimate

Survey and instrument planning, development, management, and processing	\$4,388,100
Equipment and supplies	\$971,000
Training, travel, data collection	\$7,639,900
Total costs	\$12,999,000

Bureau of Justice Statistics costs – \$87,949
50% of GS-13, Statistician (\$38,676)
25% of GS-15, Supervisory Statistician (\$26,880)
10% GS-13, Statistician (\$7,735)
Benefits (@20% - \$14,658)

15. Reasons for Change in Burden

There are no changes in burden as the NIS is a new data collection.

16. Plans for Publication

In calendar year 2006, BJS conducted a full field-test of the NIS and respondent debriefing interviews. Summary findings from the pretest were shared at the third national workshop on December 8, 2006. Findings from the national study will be published in October 2007 (for prisons) and December 2007 (for jails).

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.

B. Collection of Information Employing Statistical Methods

1. Universe and Respondents Selection

1.1. State Prisons

The frame for sample selection is provided by the 2005 Census of State and Federal Correctional Facilities. The Census includes aggregate-level data on the number and characteristics of inmates housed, as well as data on the facility age and type (confinement or community-based), security level, court orders, facility programs and policies, health and safety conditions, confinement space, employment, and operating costs. In cases where the 2005 Census is not available, data from individual facilities and/or the 2000 Census will be used. The universe for the NIS will include all confinement facilities in the Census which includes 1,214 facilities and 1.2 million inmates.

There will be a two stage sample selection process that will allow for both national and facility level estimates. The first stage will select a nationally representative sample of 129 state prison facilities. The first stage sample will be selected with probabilities proportionate to the inmate population while ensuring that at least one facility is selected in each state. Furthermore, the size measure for the female population will be increased so that the expected number of female inmates selected is doubled in order to allow for meaningful analysis by gender. Facility selection will be conducted using Chromy's PPS algorithm (Chromy, 1979) with the frame sorted by region, state, and gender of facility. This will ensure that, in expectation, the number of facilities selected in each region and state will be proportionate to their size measure (female facilities will be oversampled). In the second stage a simple random sample of inmates will be selected from a roster of inmates generated immediately prior to data collection. The expected, average prevalence rate within state prisons is 4.0%. Based on this expectation, the within facility sample size is designed to produce a standard error of 0.015 in order to minimize the number of facilities whose confidence interval includes zero. Moreover, due to the varying sizes of state prisons, a finite population correction factor will be applied to the sample size to minimize burden on smaller facilities. Also, the facility-level sample design assumes a 75% response rate and sampled inmates will be randomized such that they have a 10% chance of not receiving the sexual assault questionnaire.

1.2. Federal Prisons

The frame for Federal prisons will be based on the 2005 Census of State and Federal Correctional Facilities which includes 1894 Federal prisons. There will be a two stage sample selection process that will allow for national and facility level estimates. In the first stage, a nationally representative sample of 20 facilities will be selected with probability proportionate to the size of the inmate population. In order to allow for meaningful analyses by gender, the size measure for female facilities will be increased in order to double the expected number of female inmates selected. The second stage of sample selection will be conducted in the same manner as described for state prisons.

1.3 Jails

The frame for local jails will be based on the 2005 Census of local jails. The NIS will consist of both public and private local jails identified on the 2005 Census which includes 3,365 jails. There will be a two stage sampling process that will allow for nationally representative and facility level estimates. The first stage will select jail facilities with probability proportionate to the inmate population in the facility. The first stage will be designed such that 302 jails are selected. In the second stage a simple random sample of inmates will be selected from a roster of inmates generated immediately prior to data collection. The expected prevalence rate within a particular jail is 2.0%. Based on this expectation, the within facility sample size is designed to produce a standard error of 0.01 in order to minimize the number of facilities whose confidence interval includes zero. Moreover, due to the varying sizes of local jails, a finite population correction factor will be applied to the sample size to minimize burden on smaller facilities. Also, the facility-level sample design assumes a 70% response rate and sampled inmates will be randomized such that they have a 10% chance of not receiving the sexual assault questionnaire.

The table below illustrates the size of the NIS universe by facility type.

<u>Facility type</u>	<u>Number of facilities</u>
Total	4,457
Prisons	
Public - Federal	189
Public and Private – State*	1,266
Local Jails	
Public and Private**	3,002

*This count includes confinement facilities only.

**All jails with fewer than 5 inmates on an average day were excluded from the Year 1 sampling universe.

Note that independent samples for state prisons, federal prisons, and local jails will be drawn each year, as stated in the Act. Each facility will have a probability of selection each and every year proportionate to size.

2. Procedures for Information Collection

Data collection procedures include computerized interviewer-administered interviews, Audio Computer-Assisted Self-Interviews, and paper and pencil surveys.

The methods proposed for use in data collection are as follows:

a. Facility Recruitment

A sample of 451 jails and prisons will be selected from a frame of federal, state, and local correctional facilities. Each sampled facility will be contacted to solicit participation. A contact person will be designated at each facility.

b. Sampling of Inmates

Within one week prior to data collection at a facility, the facility will provide a roster of all inmates 18 and older who are currently incarcerated there. A random sample of inmates will be drawn from the roster.

c. Data Collection

A team of interviewers will visit the facility. They will ask correctional officers to bring each sampled inmate to a private interviewing area. The interviewer will read a consent form to the sampled inmate and solicit his/her participation. If the inmate consents, the interviewer will begin administering a brief set of demographic questions that includes age, race, ethnicity, length of incarceration, and reason for incarceration. After completing the demographic section, the interviewer will give the inmate a brief tutorial on answering questions on the touch screen computer and allow the inmate to answer the more sensitive questions in complete privacy. In order to allow inmates with reading difficulties to participate, the inmate will wear a set of headphones and hear the questions being read as they appear on the screen. The inmate will enter his response by touching a button on the screen – no computer expertise is required. The computer program will randomly pick a series of questions to administer. Most inmates will get the series of questions about sexual assault. However, a portion of inmates will get a series of questions about alcohol and drugs instead. No one but the inmate will know which series of questions he was asked. At the end of the inmate section of the questionnaire, he will turn the computer back to the interviewer and return to his housing unit. The interviewer will then finish the process by answering a set of debriefing questions about the interview.

In order to determine if there is any bias introduced from nonrespondents, administrative record data will be collected for all sampled inmates. This will allow researchers to compare demographic characteristics of responding inmates with those who did not participate.

3. Methods to Maximize Response

Every effort is being made to make the survey materials clear and simple to use. The confidential nature of the data collected is clearly and repeatedly explained in the consent process. The NIS questionnaire has been designed to maximize respondent comprehension and participation and minimize burden. Some examples include an easy to use touch-screen interface with the questions simultaneously delivered via headphones. A Spanish version of the questionnaire will be available for non-English, Spanish

speaking respondents. Field staff from the contractor will be available to answer any questions that respondents may have, including bilingual staff who can answer questions in Spanish. Arrangements with mental health staff at each facility, or if needed, an on-call or some other arrangement, will be made for delivery of counseling services for respondents interested in obtaining counseling services or assistance following the survey.

4. Test of Procedures or Methods

The interview and data collection procedures were tested in a pilot study conducted Jan. – May 2006, results of which have been cited throughout the supporting statement

5. Consultation Information

The Corrections Statistics Unit at BJS takes responsibility for the overall design and management of the activities described in this submission, including sampling procedures, development of the questionnaires, and the analysis of the data. BJS contacts include:

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