

Project Summary—CNSTAT Panel on Measuring Rape and Sexual Assault in Bureau of Justice Statistics Household Surveys

The panel will assess the quality and relevance of statistics on rape and sexual assault from the National Crime Victimization Survey and other surveys contracted for by other federal agencies as well as surveys conducted by private organizations. Issues to be examined include policy and program needs for data on rape and sexual assault; legal definitions in use by the states for these crimes; best methods for representing the definitions in survey instruments so that their meaning is clear to respondents; and best methods for obtaining as complete reporting as possible of these crimes in surveys, including methods whereby respondents may report anonymously. The panel will organize a workshop and commission papers as principal means of gathering information to support its deliberations. It will also review the work of a contractor selected by BJS to develop a detailed design for a survey of rape and sexual assault. The panel will issue a report with its findings and recommendations at the conclusion of a 21-month study. The panel's scope of work will not include surveys in nonhousehold, institutional settings, such as prisons

Background and Motivation

For almost two decades, there have been a number of competing national estimates of the level and change in level of rape and sexual assault. The Bureau of Justice Statistics (BJS) releases official estimates of these crimes based on the National Crime Victimization Survey (NCVS)—in 2009 (the latest data available), the national NCVS estimates of rape and sexual assault were 0.2 per 1,000 men aged 12 and older and 0.8 per 1,000 women aged 12 and older. The NCVS estimates are lower than those obtained from other surveys contracted for by other federal agencies as well as surveys conducted by private groups. For example, the National Violence Against Women Study (NVAWS), sponsored by the National Institute of Justice and the Centers for Disease Control and Prevention and conducted in 1995-1996, estimated an incidence rate for rape in the previous 12 months (counting multiple rapes) of 8.7 per 1000 women aged 18 and older, compared with an incidence rate for rape (including attempted rape) and sexual assault in the previous 12 months of only 2.3 per 1000 women aged 12 and older from the 1996 NCVS. (See the 2004 report of a CLAJ workshop on understanding violence against women for a review of alternative data sources and estimates.)

Despite a long-standing debate regarding the source of these differences, no consensus exists regarding the basis for the disparity in estimates. One argument is that the non-NCVS studies might over count these victimizations since the definition of rape used in these other surveys can be broader than the legal definition of rape or sexual assault and the methods in these surveys may encourage over-reporting. Alternatively, it is possible that reporting in the NCVS

underestimates these victimizations because the methodology used in the NCVS is not adequate for eliciting full disclosure of rapes and sexual assault. (A joint CNSTAT-CLAJ panel suggested in its 2008 interim report the importance of investigating self-response options in the NCVS for crimes like sexual assault and domestic violence that may be underreported in the traditional interviewer-driven model.) An ongoing concern for BJS is that these disparities have resulted in a loss of confidence in the NCVS in this area. Consequently, BJS is asking the National Research Council to convene a panel to review the state of respondent reports of rape and sexual assault and to make recommendations as to the appropriate definition of these crimes and the optimum methodology for measuring the incidence and prevalence of these crimes in surveys. Another input for the panel will be the results of work by a survey firm, separately contracted for by BJS, to develop a detailed design option for a survey of rape and sexual assault and to conduct some field testing of the proposed design.

While surveys sponsored by other groups and organizations may have the flexibility to use different definitions of these acts, BJS has the responsibility to report on the level and change in level of the *crimes* of rape and sexual assault. This charge necessitates that the NCVS definitions of rape and sexual assault victimizations be consistent with the legal definitions used in most states. However, the states vary in their legal definitions; for example, some states have eliminated a requirement that a competent adult must have forcibly resisted an attacker for the crime to be defined as rape, while other states maintain this requirement. Also, states differ on the type of forced sexual activity that constitutes rape. In comparison, the NCVS has used the same definition of rape and sexual assault for years (which does not specify resistance and does not specify types of “forced or coerced sexual intercourse”). Accordingly, an important task for the expert panel is to examine the legal definitions of rape and sexual assault across the nation, assess the extent to which there is a “common” or plurality definition, and suggest updates to the NCVS definitions based on that assessment. Clearly delineating that portion of rape and sexual coercion that is a violation of the criminal law is important for defining the goals of the NCVS and other surveys concerned with estimating the annual incidence and prevalence of criminal sexual violence.

The NCVS gathers data from residents living throughout the United States, including people living in group quarters, such as dormitories, rooming houses, and religious group dwellings. It does not include Armed Forces personnel living in military barracks and institutionalized persons, such as correctional facility inmates. Separate data collections on prison rape, which are not within the scope of this project, are conducted pursuant to the Prison Rape Elimination Act of 2003.

Even when surveys use comparable definitions of criminal rape and sexual assault, the methodology used to elicit reports of these events can differ dramatically. A number of discussions have taken place regarding the desirability of various features of survey design, including sample design, screening strategy,

interview mode (e.g., telephone as in the NVAWS, in-person with an interviewer as in the NCVS, or more private self-response options like those used in the BJS-sponsored National Inmate Surveys of sexual violence among the correctional population, reference period, bounding, cuing strategy, types of cues, context, and respondent selection. Often these discussions occur as part of an attack on a specific survey rather than as part of a more neutral scientific and informative conversation. It would be useful for the panel to revisit the evidence on the relative desirability of these various design attributes for reporting of rape and sexual assault. This review would include a review of existing literature; to the extent possible, it would also include secondary analysis of data not examined heretofore. The ultimate question would be “On the basis of existing evidence and using the standard of most complete and accurate reporting, what would be the optimum design for collecting self-reported data on rape and sexual assault?”

Another issue of interest is assessing whether the optimum design could be implemented within the existing NCVS design and, if not, determining what would be the appropriate vehicle for a survey specific to rape and sexual assaults. Some portion of the panel's work would be devoted to answering this question with available data, including the results of the design and testing work carried out by a survey firm separately commissioned by BJS.

Proposed Plan of Work by CNSTAT Panel

CNSTAT proposes to convene a panel of about 12 members, with expertise in the following areas: relevant aspects of survey design, including questionnaire design and interview mode (especially anonymous self-reporting and mixed modes); criminal justice statistics from the NCVS and other sources; legal definitions and perspectives on rape and sexual assault; and user needs for rape and sexual assault data for policy and program planning. CNSTAT would seek input from the Committee on Law and Justice for names of prospective panel members.

The panel would hold four in-person meetings: one to organize its work and plan an information gathering workshop; one in conjunction with the workshop; one to review the work of a survey firm selected by BJS to develop and field test a detailed survey design; and a fourth to finalize its report. It would also hold conference calls as needed. The panel would identify and commission needed literature reviews and analyses to be presented at the workshop and inform its deliberations. It would release a final report with findings and recommendations in prepublication format by month 18 of its study, with another 3 months for publication for the report by the National Academies Press and dissemination.