



Prison Rape Elimination Act of 2003

PREA Data Collection Activities, 2014

The Prison Rape Elimination Act of 2003 (PREA; P.L. 108-79) 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 specifies that the review and analysis shall be based on a random sample, or other scientifically appropriate sample of not less than 10 percent of all prisons, and a representative sample of municipal prisons.

In 2013, more than 7,600 prisons, jails, community-based facilities, and juvenile correctional facilities nationwide were covered by PREA. The act requires the Attorney General to submit—no later than June 30 of each year—a report that lists institutions in the sample and ranks them according to the incidence of prison rape. BJS has developed a multiple-measure, multiple-mode data collection strategy to fully implement requirements under PREA.

DATA COLLECTIONS DURING 2013 AND 2014

The **Survey of Sexual Violence (SSV)** collects data annually from administrative records on the incidence of sexual victimization in adult and juvenile correctional facilities. The first of a series of data collections implemented to meet PREA mandates, this collection began in 2004. The survey includes measures of four different types of sexual victimization and is administered to a sample of at least 10% of all correctional facilities covered under PREA. It collects additional detail on the characteristics of substantiated incidents of sexual victimization.

The administrative records surveys provide a basis for the annual statistical review required under PREA. The surveys include all federal and state prison systems, as well as facilities operated by the U.S. Military and Immigration and Customs Enforcement (ICE). The surveys also include representative samples of jail jurisdictions, privately operated adult prisons and jails, and jails in Indian country. Each year, the SSV also includes all state-owned or -operated juvenile facilities and a representative sample of locally and privately operated juvenile facilities.

Results from the SSV for juvenile facilities are expected in September 2014.

BJS published two reports in January 2014: *Sexual Victimization Reported by Adult Correctional Authorities, 2009–11* (NCJ 243904) and *Survey of Sexual Violence in Adult Correctional Facilities, 2009–11 - Statistical Tables* (NCJ 244227).

Among the findings—

- Administrators of adult correctional facilities reported 8,763 allegations of sexual victimization in 2011, a statistically significant increase over the 8,404 allegations reported in 2010 and 7,855 in 2009.
- The number of allegations has risen since 2005, largely due to increases in prisons, where allegations increased from 4,791 allegations to 6,660 in 2011 (up 39%).
- In 2011, 902 allegations of sexual victimization (10%) were substantiated (i.e., determined to have occurred upon investigation).
- State prison administrators reported 537 substantiated incidents of sexual victimization in 2011, up 17% from 459 in 2005.
- About 52% of substantiated incidents of sexual victimization in 2011 involved only inmates, while 48% of substantiated incidents involved staff with inmates.
- Injuries were reported in about 18% of incidents of inmate-on-inmate sexual victimization and in less than 1% of incidents of staff sexual victimizations.
- Females committed more than half of all substantiated incidents of staff sexual misconduct and a quarter of all incidents of staff sexual harassment.

During 2014, BJS modified the SSV and will implement changes for the 2013 collection year. BJS will—

- revise the SSV definitions to synchronize the language with the PREA standards (while preserving the ability to measure long-term trends)
- add sexual harassment by another inmate as another category of sexual victimization (to be consistent with the PREA standards, 28 C.F.R. Part 115)
- add new response categories or expand existing categories to reduce responses reported in “other, specify”
- add transgender and intersex as gender categories (for sex of victim)
- expand the sample of local and privately operated juvenile facilities to improve precision of annual estimates.

The **National Survey of Youth in Custody (NSYC)**

provides facility-level estimates of youth reporting sexual victimization in juvenile facilities. The first NSYC (NSYC-1) was conducted between June 2008 and April 2009, and the second (NSYC-2) was conducted between February 2012 and September 2012.

The NSYC-2 was conducted in 273 state-owned or -operated juvenile facilities and 53 locally or privately operated facilities that held adjudicated youth under state contract. The survey was completed by 8,707 adjudicated youth sampled from at least one facility in every state and the District of Columbia.

BJS released the first report from NSYC-2 in June 2013: *Sexual Victimization in Juvenile Facilities Reported by Youth, 2012* (NCJ 241708).

Among the findings—

- An estimated 9.5% of adjudicated youth in state juvenile facilities and state contract facilities (representing 1,720 youth nationwide) reported experiencing one or more incidents of sexual victimization by another youth or staff in the past 12 months or since admission, if less than 12 months.
- About 2.5% of youth (450 nationwide) reported an incident involving another youth, and 7.7% (1,390) reported an incident involving facility staff.
- Among the estimated 1,390 youth who reported victimization by staff, 89.1% were males reporting sexual activity with female staff, and 3.0% were males reporting sexual activity with both male and female staff. In comparison, males comprised 91% of adjudicated youth in the survey, and female staff accounted for 44% of staff in the sampled facilities.

- An estimated 3.5% of youth reported having sex or other sexual contact with facility staff as a result of force or other forms of coercion, while 4.7% of youth reported sexual contact with staff without any force, threat, or explicit form of coercion.
- About 20.3% of youth victims of staff sexual misconduct experienced physical force or threat of force, 12.3% were offered protection, and 21.5% were given drugs or alcohol to engage in sexual contact.
- When youth were asked who initiated sexual contact, 36.4% reported that the facility staff always made the first move, 17.4% reported that they always made the first move, and 46.3% said that sometimes the facility staff made the first move and sometimes they did.
- Among state-owned or -operated juvenile facilities only, the rate of sexual victimization declined from 12.6% in 2008–09 (when the first survey was conducted) to 9.9% in 2012.

During 2014, BJS and Westat (the NSYC data collection agent) initiated further analyses of the NSYC-2 data to identify the key contextual and individual factors related to youth sexual victimization. Analyses of the NSYC-2 Facility Survey examine the impact of facility and staff sizes, staff and youth composition, staff screening methods, and security measures. BJS will derive additional measures of facility-level characteristics from the youth self-reports. These measures include facility assault rates, fear of assault in the facility, attitudes of youth toward staff, gang activity in the facility, and the nature and extent of inappropriate staff behavior with youth. The second report will include a multilevel analysis of the relationships among facility and housing unit characteristics, youth-level risk factors, and self-reported sexual victimization.

The **National Inmate Survey (NIS)** gathers data on the prevalence and incidence of sexual assault in adult prison and local jail facilities, as reported by inmates. The inmates use audio computer-assisted self-interviewing (ACASI) technology with a laptop touchscreen and an audio feed to maximize inmate confidentiality and minimize literacy issues. The first NIS (NIS-1) was conducted in 2007; the second (NIS-2), in 2008-09; and the third (NIS-3) in 2011–12.

The NIS-3 was conducted in 233 state and federal prisons, 358 local jails, and 15 special confinement facilities operated by Immigration and Customs Enforcement (ICE), the U.S. Military, and correctional authorities in Indian country. A total of 92,449 inmates age 18 or older participated in the survey, including 38,251 prison inmates, 52,926 jail inmates, 573 ICE detainees, 539 inmates in military facilities, and 160 inmates in Indian country facilities. The survey was also administered to 527 juveniles ages 16 to 17 held in state prisons and 1,211 juveniles ages 16 to 17 in local jails.

The first report from NIS-3 was issued in May 2013: *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011–12* (NCJ 241399).

Among the findings—

- In 2011–12, an estimated 4.0% of state and federal prison inmates and 3.2% of jail inmates reported experiencing one or more incidents of sexual victimization by another inmate or facility staff in the past 12 months or since admission to the facility, if less than 12 months.
- Using the same methodology since 2007, the change in rate of sexual victimization among state and federal prison inmates over the three surveys (4.5% in 2007, 4.4% in 2008–09, and 4.0% in 2011–12) was not statistically significant. Among jail inmates, the rate of sexual victimization was nearly unchanged—3.2% in 2007, 3.1% in 2008–09, and 3.2% in 2011–12.
- Among state and federal prison inmates, 2.0% (an estimated 29,300 prisoners) reported an incident involving another inmate, 2.4% (34,100) reported an incident involving facility staff, and 0.4% (5,500) reported both an incident by another inmate and staff.
- About 1.6% (11,900) of jail inmates reported an incident with another inmate, 1.8% (13,200) reported an incident with staff, and 0.2% (2,400) reported both an incident by another inmate and staff.
- From 2007 to 2011–12, reports of “willing” sexual activity with staff (excluding touching) declined in prisons and jails, while reports of other types of sexual victimization remained stable.
- In 2011–12, an estimated 1.8% of juveniles ages 16 to 17 held in adult prisons and jails reported being victimized by another inmate, compared to 2.0% of adults in prisons and 1.6% of adults in jails.
- An estimated 3.2% of juveniles ages 16 to 17 held in adult prisons and jails reported experiencing staff sexual misconduct. Though higher, these rates were not statistically different from the 2.4% of adults in prisons and 1.8% of adults in jails.

BJS and RTI International (the NIS data collection agent) began further analyses of the NIS-3 data. Similar to the analyses of sexual victimization in juvenile facilities, this work is designed to explore facility-level predictors of inmate-on-inmate and staff-on-inmate sexual victimization. The analyses draw on facility-level data from past BJS prison facility censuses, the American Correctional Association's annual facility directory, and information from the rosters provided by each facility sampled in the NIS-3 collection. In addition, key facility composition and climate measures are derived from the NIS-3 inmate survey responses. BJS expects to issue a second report from NIS-3 that describes the contextual circumstances surrounding sexual victimization and provides a multilevel analysis of the relationships between facility- and individual-level characteristics and self-reported sexual victimization.

In addition to providing a fuller understanding of sexual victimization in adult and juvenile correctional facilities, the ongoing contextual research is mandated under PREA, in Sec. 4c(3). The act requires the Attorney General to—

use established statistical methods to adjust the data as necessary to account for differences among institutions in the representative sample, which are not related to the detection, prevention, reduction and punishment of prison rape, or which are outside the control of the State, prison, or prison system, in order to provide an accurate comparison among prisons. Such differences may include the mission, security level, size, and jurisdiction under which the prison operates.

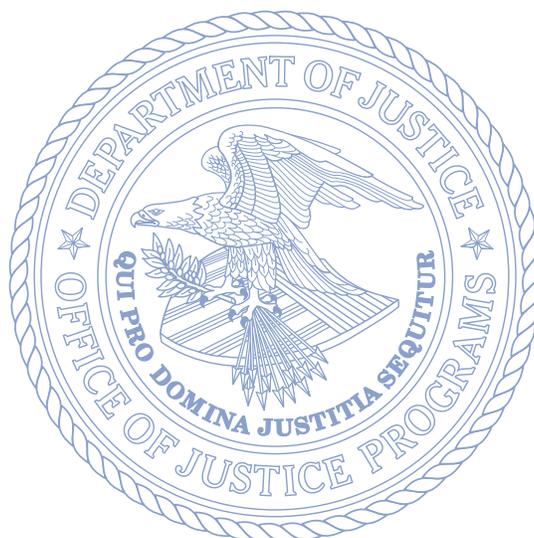
When completed in late 2014, the adult and juvenile facility reports will address the differences and examine facility- and individual-level variations after these differences have been statistically controlled.

UPCOMING REPORTS IN 2014

- *Sexual Victimization Reported by Juvenile Correctional Authorities, 2007–12* (September 2014).

PREVIOUSLY RELEASED REPORTS

- *Survey of Sexual Violence in Adult Correctional Facilities, 2009–11 - Statistical Tables*, NCJ 244227, January 2014.
- *Sexual Victimization Reported by Adult Correctional Authorities, 2009–11*, NCJ 243904, January 2014.
- *Sexual Victimization in Juvenile Facilities Reported by Youth, 2012*, NCJ 241708, June 2013.
- *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011–12*, NCJ 241399, May 2013.
- *Sexual Victimization Reported by Former State Prisoners, 2008*, NCJ 237363, May 2012.
- *Sexual Victimization Reported by Adult Correctional Authorities, 2007–2008*, NCJ 231172, January 2011.
- *Sexual Victimization in Prisons and Jails Reported by Inmates, 2008–09*, NCJ 231169, August 2010.
- *Sexual Victimization in Juvenile Facilities Reported by Youth, 2008–09*, NCJ 228416, January 2010.
- *Sexual Violence Reported by Juvenile Correctional Authorities, 2005–06*, NCJ 215337, July 2008.
- *Sexual Victimization in Local Jails Reported by Inmates, 2007*, NCJ 221946, June 2008.
- *Sexual Victimization in State and Federal Prisons Reported by Inmates, 2007*, NCJ 219414, December 2007.
- *Sexual Violence Reported by Correctional Authorities, 2006*, NCJ 218914, August 2007.
- *Sexual Violence Reported by Correctional Authorities, 2005*, NCJ 214646, July 2006.
- *Sexual Violence Reported by Correctional Authorities, 2004*, NCJ 210333, July 2005.



The Bureau of Justice Statistics is the statistics agency of the U.S. Department of Justice. William J. Sabol is the acting director.

This report was written by Allen J. Beck, Ph.D., BJS statistician.

Vanessa Curto and Jill Thomas edited the report. Tina Dorsey and Barbara Quinn produced the report.

May 2014, NCJ 245694



Office of Justice Programs
Innovation • Partnerships • Safer Neighborhoods
www.ojp.usdoj.gov