



Prison Rape Elimination Act of 2003

PREA Data Collection Activities, 2016

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% of all prisons, and a representative sample of municipal prisons.

In 2015, 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 2015 AND 2016

The **Survey of Sexual Victimization (SSV)**, formerly known as the Survey of Sexual Violence, collects data annually from administrative records on incidents 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 five 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.

BJS published two reports in January 2016: *Sexual Victimization Reported by Juvenile Correctional Authorities, 2007–12* (NCJ 249145) and *Survey of Sexual Violence in Juvenile Correctional Facilities, 2007–12 - Statistical Tables* (NCJ 249143).

Among the findings—

- Administrators of state juvenile correctional facilities reported 865 allegations of sexual victimization in 2012—a significant increase from the 735 allegations reported in 2011 and 690 in 2010.
- The number of youth held in state juvenile systems declined sharply, from 38,580 at yearend 2006 to 19,095 at yearend 2012. As a result, the rate of sexual victimization allegations per 1,000 youth held in state juvenile systems more than doubled, from 19 per 1,000 youth in 2005 to 47 per 1,000 in 2012.
- Administrators of local or private and Indian country juvenile facilities reported 613 allegations of sexual victimization in 2012. Based on 2-year rolling averages, the rate in 2012 was 13.5 per 1,000 youth—up from 7.2 per 1,000 in 2010.
- From 2007 to 2012, nearly 9,500 allegations of sexual victimization of youth were reported in state or local and private facilities. Fifty-five percent involved youth-on-youth sexual victimization and 45% involved staff-on-youth sexual victimization.
- Upon investigation, 25% of the allegations of youth-on-youth sexual victimization and 10% of the allegations of staff-on-youth sexual victimization were substantiated during the 6-year period.
- Across state systems and in locally or privately operated facilities, youth-on-youth sexual victimization accounted for more than three-quarters (76%) of substantiated incidents from 2007 to 2012.
- Force or threat of force was involved in nearly a quarter (22%) of youth-on-youth substantiated incidents.
- Nearly two-thirds (64%) of perpetrators of staff sexual misconduct and about a third (31%) of perpetrators of staff sexual harassment were female.

- Among all substantiated incidents of staff sexual misconduct from 2007 to 2012, 64% involved a sexual relationship that “appeared to be willing.” These incidents were considered an abuse of power, with an unknown level of coercion, and were illegal.
- An estimated 13% of incidents of staff sexual misconduct involved unwanted touching for sexual gratification, 9% involved pressure or abuse of power, and 6% involved indecent exposure, invasion of privacy, or voyeurism.

During 2015, BJS completed data collection of allegations and substantiated incidents that occurred during calendar year 2014. All state systems, the Federal Bureau of Prisons (BOP), U.S. military, and ICE facilities participated in the survey. Four (out of 700) sampled local jails, two privately operated jails, one Indian country jail, and 12 out of 550 sampled locally or privately operated juvenile facilities failed to respond. Overall, the SSV achieved a 99% response rate.

Results from the SSV for adult prisons and jails are expected to be released by yearend 2016.

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 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 youth ages 16 to 17 held in state prisons and 1,211 youth 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). During 2015, BJS issued three reports using NIS-3 data: *Veterans in Prison and Jail, 2011–12* (NCJ 249144), *Disabilities Among Prison and Jail Inmates, 2011–12* (NCJ 249151), and *Use of Restrictive Housing in U.S. Prisons and Jails, 2011–12* (NCJ 249209). These reports addressed significant issues in corrections that otherwise could not have been addressed without the in-depth data collected under PREA. Additional reports are projected for 2016, including reports on mental health problems of prison and jail inmates and pre-incarceration exposure to traumatic events among prison and jail inmates.

During 2015, BJS and the NIS-3 data collection agent, RTI International, undertook a comprehensive assessment of the NIS-3 survey protocol, sampling methodologies, instrumentation, and analytical products. The assessment includes—

- a critical assessment of the total survey operations, including recommendations for achieving greater efficiency and cost savings in the next round of data collection
- an assessment of the NIS-3 sample design related to facility-level estimation and development of an optimal design to provide reliable facility-level estimates for prison and jail facilities
- an item-specific assessment of the NIS-3 sexual assault questionnaires, which identifies items with potential measurement error, nonresponse, or other sources of survey error
- an examination of the substantive gaps in the NIS-3 sexual assault questionnaires, with special emphasis on the nature and circumstances surrounding staff sexual misconduct and boundary violations, collusion among inmates and staff surrounding victimization, impact on victims, and other factors related to facility climate, institutional culture, and correctional leadership
- an inventory of prospective items based on the contextual analyses conducted for NIS-3, to be included in a supplemental facility survey (including recommendation of items needed to better measure facility characteristics that may co-vary with sexual victimization).

In preparation for the next NIS survey, BJS convened a national workshop in April 2016 to solicit views of correctional administrators (as required under Section 4 of the Prison Rape Elimination Act) and to ensure that the survey will maximize data quality and minimize burden on sampled facilities. In 2017, BJS expects to issue a competitive solicitation to obtain a collection agent through a cooperative agreement to administer the fourth National Inmate Survey (NIS-4), 2018–19.

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). During 2015, BJS and the NSYC data collection agent, Westat, conducted 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. Additional measures of facility-level characteristics were derived 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.

During 2015, BJS and Westat assessed the NSYC-2 sample design, survey operations, collection protocols, and questionnaires. In April 2016, BJS convened a national workshop of administrators of juvenile correctional facilities and other stakeholders to solicit their views on potential revisions for the next round of data collection. BJS also issued a competitive solicitation to obtain a collection agent through a cooperative agreement to administer the third National Survey of Youth in Custody (NSYC-3), 2017–18. Survey design and testing is expected to be completed by March 2017. Data collection is anticipated to begin in late 2017.

In 2016, BJS released *Facility-level and Individual-level Correlates of Sexual Victimization in Juvenile Facilities, 2012* (June 2016). This report examines National Survey of Youth in Custody (NSYC-2) data to determine how the environment of a juvenile facility impacts youth sexual victimization. The report also considers critical youth-level predictors. Overall, facilities with higher rates of sexual assault house more youth who have submitted written complaints against staff, do not have enough staff to monitor what takes place in the facility, and have higher levels of gang fights. However, the results indicate that a juvenile's individual characteristics—including their victimization history, sexual orientation, gender, and offense history—are more important than facility factors in predicting sexual victimization.

Among the findings—

- Rates of youth-on-youth sexual victimization in female-only facilities (5.3%) were more than three times greater than those in male-only facilities (1.5%).
- Youth-on-youth sexual assault was lowest in facilities (1.1%) when almost all youth in the facility reported that they first learned sexual assault was not allowed within the first 24 hours of arrival.
- Youth-on-youth sexual assault (4.5%) was most prevalent when facilities had a high concentration of youth with histories of sexual abuse (24% or more youth), a concentration of youth with a lesbian, gay or bisexual (LGB) sexual orientation (5.0% in facilities with 18% or LGB youth) and greater-than-average proportion of youth held for a violent sexual assault (3.3%).
- Sexual assault by another youth (4.0%) was more common in facilities that held greater concentrations of youth with a history of psychiatric conditions (76% or more).
- LGB youth (10.4%) were more than seven times as likely as heterosexual youth (1.4%) to be assaulted by another youth.
- Youth with a detention history of 6 months or more (9.3%) and youth who had been in the current facility for 6 months or more (9.4%) were most likely to experience staff sexual assault.
- In facilities with only male residents, 5.7% of youth reported staff sexual misconduct, compared to 1.4% in facilities with only female residents.
- Staff sexual misconduct was most prevalent in detention centers (7.4%) and training/long-term secure facilities (7.3%).
- Facilities with a change in staffing levels over the past 12 months had higher rates of staff sexual misconduct (6.1%) than facilities with no change (3.1%).
- Rates of staff sexual misconduct are highest in facilities in which youth perceive the facility to be unfair (10.3%), in facilities with the fewest positive perceptions of staff (9.7%), and where youth worry about physical assault by other youth (8.2%) or by staff (11.2%).
- In facilities where the majority of youth reported gang fights, the rate of staff sexual misconduct was more than double (10.6%) the facility average (5.2%).

UPCOMING REPORTS IN 2016

- *Sexual Victimization Reported by Adult Correctional Authorities, 2012–14* (November/December 2016).
- *Survey of Sexual Violence in Juvenile Correctional Facilities, 2012–14 - Statistical Tables* (November/December 2016).

PREVIOUSLY RELEASED REPORTS

- *Facility-level and Individual-level Correlates of Sexual Victimization in Juvenile Facilities, 2012* (NCJ 249877, June 2016).
- *Sexual Victimization Reported by Juvenile Correctional Authorities, 2007–12* (NCJ 249145, January 2016).
- *Survey of Sexual Violence in Juvenile Correctional Facilities, 2007–12 - Statistical Tables* (NCJ 249143, January 2016).
- *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 of the U.S. Department of Justice is the principal federal agency responsible for measuring crime, criminal victimization, criminal offenders, victims of crime, correlates of crime, and the operation of criminal and civil justice systems at the federal, state, tribal, and local levels. BJS collects, analyzes, and disseminates reliable and valid statistics on crime and justice systems in the United States, supports improvements to state and local criminal justice information systems, and participates with national and international organizations to develop and recommend national standards for justice statistics. Jeri Mulrow is acting director.

This report was written by Allen J. Beck, Ph.D., BJS statistician. Jessica Stroop verified the report.

Morgan Young edited the report. Barbara Quinn produced the report.

June 2016, NCJ 249872



NCJ249872

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