

FORM **SSV-5**
(2-8-2005)

SURVEY ON SEXUAL VIOLENCE, 2004

— State Juvenile Systems

U.S. DEPARTMENT OF JUSTICE
BUREAU OF JUSTICE STATISTICS
AND ACTING AS COLLECTION AGENT
U.S. DEPT. OF COMMERCE
Economics and Statistics Administration
U.S. CENSUS BUREAU

DATA SUPPLIED BY

Name	Title			
OFFICIAL ADDRESS	Number and street or P.O. Box/Route Number	City	State	ZIP Code
TELEPHONE	Area code	Number	FAX NUMBER	Area Code
E-MAIL ADDRESS	Number			

(Please correct any error in name, mailing address, and ZIP Code)

GENERAL INFORMATION

- If you need assistance, call **Monica Hill** of the **U.S. Census Bureau** toll-free at **1-800-253-2078**, or e-mail **govs.ssv@census.gov**.
- **Please return your completed questionnaire by April 15, 2005.** Return all pages by either **MAIL or FAX**.
MAIL TO: U.S. Census Bureau, Governments Division, Washington Plaza, Bldg. 2, Room 509, Washington, DC 20233-6800
FAX (TOLL FREE): 1-888-891-2099.

What facilities are included in this data collection?

All State-operated juvenile residential placement facilities used to house juveniles and youthful offenders, regardless of age or reason for placement.

- **INCLUDE** State-operated juvenile residential facilities such as: detention centers; training schools; long-term secure facilities; reception or diagnostic centers; group homes or halfway houses; boot camps; ranches, forestry camps, wilderness or marine programs, or farms; runaway or homeless shelters; and residential treatment centers for juveniles.
- **EXCLUDE** privately-operated facilities and facilities operated or administered by local governments. (These facilities will be contacted directly for data on sexual violence.)

What persons and incidents are included in this data collection?

Juveniles and youthful offenders, regardless of age or reason for placement, under your custody between January 1, 2004, and December 31, 2004.

- **INCLUDE** incidents involving juveniles or youthful offenders under the authority, custody, or care of your confinement or community-based facilities or staff.
- **EXCLUDE** incidents involving juveniles or youthful offenders not held in facilities operated by your State juvenile system.

Burden statement

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The burden of this collection is estimated to average 90 minutes per response, including reviewing instructions, searching existing data sources, gathering necessary data, and completing and reviewing this form. Send comments regarding this burden estimate or any aspect of this survey, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. Do not send your completed form to this address.

DEFINITIONS

JUVENILES and YOUTHFUL OFFENDERS:

- Any person under the jurisdiction of your State's juvenile system or youthful offender authority, regardless of age or reason for placement.

FACILITIES:

INCLUDE all State-operated facilities used to house juveniles or youthful offenders charged with or court-adjudicated for:

- Any offense that is illegal for both adults and juveniles;

OR

- An offense that is ILLEGAL in your State for juveniles, but not for adults (running away, truancy, incorrigibility, curfew violations, and liquor violations).

EXCLUDE State-operated facilities used ONLY to house juveniles for:

- Non-criminal purposes (neglect, abuse, abandonment, or dependency);

OR

- Being Persons in Need of Services (PINS) or Children in Need of Services (CHINS) who have assigned beds for reasons other than offenses.

REPORTING INSTRUCTIONS

- If the answer to a question is "not available" or "unknown," write "DK" (do not know) in the space provided.
- If the answer to a question is "not applicable," write "NA" in the space provided.
- If the answer to a question is "none" or "zero," mark box () provided.
- When exact numeric answers are not available, provide estimates and mark () in the box beside each figure.

Section I — GENERAL INFORMATION

1. On December 31, 2004, how many facilities operated by your State held juveniles or youthful offenders CHARGED WITH or COURT-ADJUDICATED FOR AN OFFENSE?

Number of facilities

- Count all juvenile residential facilities where young persons who have committed offenses may be housed overnight.
- Count each facility with a separate physical location only once. Do not count separate living/sleeping units, wings, floors, dorms, barracks, or cottages within a single facility.

2. On December 31, 2004, how many persons held in the facilities reported in Item 1 were —

a. Males

b. Females

c. TOTAL (Sum of Items 2a to 2b)

- Count persons held in the facilities reported in Item 1 regardless of age or reason for placement. Include persons who were temporarily away but had assigned beds on December 31, 2004.

3. On December 31, 2004, how many persons held in the facilities reported in Item 1 were —

a. Age 17 or younger

b. Age 18 to 20

c. Age 21 or older

d. TOTAL (Sum of Items 3a to 3c should equal Item 2c)

- Count all persons held in the facilities reported in Item 1 regardless of age or reason for placement. Include persons who were temporarily away but had assigned beds on December 31, 2004.

4. Between January 1, 2004, and December 31, 2004, how many persons were admitted to or discharged from the facilities reported in Item 1?

a. TOTAL number admitted

b. TOTAL number discharged

- Include all persons admitted into your State-operated juvenile residential facilities by a formal legal document, by the authority of the courts, or by some other official agency.
- Include all persons discharged from your State-operated juvenile residential facilities after a period of confinement including sentence completion, pretrial releases, transfers to adult jurisdictions or to other States, and deaths.
- Exclude admissions and discharges resulting from returns from escape, administrative transfers to other juvenile facilities operated by your State, or temporary release including work/school release, medical appointments, other treatment facilities, or court appearances.

Section II — YOUTH-ON-YOUTH SEXUAL VIOLENCE

DEFINITIONS OF SEXUAL VIOLENCE

The definition of "rape" as required under the Prison Rape Elimination Act of 2003 will be operationalized by disaggregating sexual assault into two categories of youth-on-youth SEXUAL VIOLENCE. These categories reflect uniform definitions formulated by the National Center for Injury Prevention and Control, in "Sexual Violence Surveillance: Uniform Definitions and Recommended Data Elements," Center for Disease Control and Prevention. The categories of youth-on-youth SEXUAL VIOLENCE are:

NON-CONSENSUAL SEXUAL ACTS:

Contact of any person without his or her consent, or of a person who is unable to consent or refuse;

AND

- Contact between the penis and the vagina or the penis and the anus including penetration, however slight;

OR

- Contact between the mouth and the penis, vagina, or anus;

OR

- Penetration of the anal or genital opening of another person by a hand, finger, or other object.

ABUSIVE SEXUAL CONTACTS:

Contact of any person without his or her consent, or of a person who is unable to consent or refuse;

AND

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

5. Is your State juvenile system responsible for investigating allegations of youth-on-youth NON-CONSENSUAL SEXUAL ACTS that occur in State-operated juvenile residential facilities?

01 Yes

02 No → **a. What agency or office is responsible for investigating these allegations?**

01 Internal Affairs

02 Inspector General

03 State Police

04 Sheriff's Department/Local Police

05 Other – Specify ↴

b. Is your State juvenile system notified of the final determination of each investigation?

01 Yes

02 No → *Please contact the agency or office responsible for investigating these allegations in order to fully complete this form.*

6. Does your State juvenile system record allegations of youth-on-youth NON-CONSENSUAL SEXUAL ACTS?

01 Yes → **a. Does your system record all reported occurrences, or only substantiated ones?**

01 All

02 Substantiated only

b. Does your system record attempted NON-CONSENSUAL SEXUAL ACTS or only completed ones?

01 Both attempted and completed

02 Completed only

c. Does your system define all sexual acts involving youth under age 18 as non-consensual?

01 Yes

02 No

03 Other – Specify ↴

02 No → *Please provide the definition used by your State juvenile system for youth-on-youth NON-CONSENSUAL SEXUAL ACTS in the space below. Use that definition to complete Items 7 through 12 and Items 18 through 21.*

7. Between January 1, 2004, and December 31, 2004, how many allegations of youth-on-youth NON-CONSENSUAL SEXUAL ACTS were reported?

Number reported None

- If an allegation involved multiple victimizations, count only once.

→ If Item 7 is "None," skip to Item 13.

8. Of the allegations reported in Item 7, how many were —

a. Substantiated None

- The event was investigated and determined to have occurred.

b. Unsubstantiated None

- Evidence was insufficient to make a final determination that the event occurred.

c. Unfounded None

- The event was determined NOT to have occurred.

d. Investigation ongoing None

- A final determination has not yet been made as to whether the event occurred.

e. TOTAL (Sum of items 8a through 8d) None

→ If Item 8a is "None," skip to Item 13.

9. Of the substantiated occurrences of youth-on-youth NON-CONSENSUAL SEXUAL ACTS reported in Item 8a, how many were —

a. Completed None

b. Attempted . None Not recorded

- Count each occurrence. If an allegation involved multiple occurrences, count each separate occurrence.

10. How many unique victims were involved in the substantiated occurrences of youth-on-youth NON-CONSENSUAL SEXUAL ACTS reported in Item 8a?

a. Males None

b. Females None

- Count victims involved in all occurrences. If an occurrence involved multiple victims, count each victim.
- If the same person was victimized more than once during the 12-month period, count only once.

11. How many unique perpetrators were involved in the substantiated occurrences of youth-on-youth NON-CONSENSUAL SEXUAL ACTS reported in Item 8a?

a. Males None

b. Females None

- Count perpetrators involved in all occurrences. If an occurrence involved multiple perpetrators, count each perpetrator.
- If the same person was a perpetrator of more than one occurrence during the 12-month period, count only once.

12. How many persons were referred for prosecution for the substantiated occurrences of youth-on-youth NON-CONSENSUAL SEXUAL ACTS reported in Item 8a?

Number referred for prosecution None

- Include only those referred for prosecution for occurrences that occurred between January 1, 2004, and December 31, 2004.

13. Does your State juvenile system record allegations of youth-on-youth ABUSIVE SEXUAL CONTACTS that occur at State-operated juvenile residential facilities? (See definitions on page 3.)

01 Yes → **Can these be counted separately from allegations of NON-CONSENSUAL SEXUAL ACTS?**

01 Yes

02 No → Skip to Item 18.

02 No → Please provide an explanation in the space below and then skip to Item 18.

14. Between January 1, 2004, and December 31, 2004, how many allegations of youth-on-youth ABUSIVE SEXUAL CONTACTS were reported?

Number reported None

- If an allegation involved multiple victims, count only once.

→ If Item 14 is "None," skip to Item 18.

15. Of the allegations reported in Item 14, how many were —

a. Substantiated None

b. Unsubstantiated None

c. Unfounded None

d. Investigation ongoing None

e. TOTAL (Sum of Items 15a through 15d) None

→ If Item 15a is "None," skip to Item 18.

16. How many unique victims were involved in the substantiated occurrences of youth-on-youth ABUSIVE SEXUAL CONTACTS reported in Item 15a?

a. Males None

b. Females None

- Count victims involved in all occurrences. If an occurrence involved multiple victims, count each victim.
- If the same person was victimized more than once during the 12-month period, count only once.

17. How many unique perpetrators were involved in the substantiated occurrences of youth-on-youth ABUSIVE SEXUAL CONTACTS reported in Item 15a?

a. Males None

b. Females None

- Count perpetrators involved in all occurrences. If an occurrence involved multiple perpetrators, count each perpetrator.
- If the same person was a perpetrator of more than one occurrence during the 12-month period, count only once.

Questions 18 – 21 refer to occurrences of youth-on-youth SEXUAL VIOLENCE, which include all substantiated occurrences of NON-CONSENSUAL SEXUAL ACTS and ABUSIVE SEXUAL CONTACTS at the State-operated juvenile residential facilities.

18. Does your State juvenile system record the following information on occurrences of youth-on-youth SEXUAL VIOLENCE?

Mark () "Yes" or "No" for each.

- a. Date of occurrence 01 Yes 02 No
- b. Date occurrence was reported 01 Yes 02 No
- c. Injuries sustained by victim(s) 01 Yes 02 No
- d. HIV/AIDS status of victim(s) 01 Yes 02 No
- e. Medical treatment/ counseling provided 01 Yes 02 No
- f. HIV/AIDS status of perpetrator(s) 01 Yes 02 No
- g. Name of perpetrator(s) 01 Yes 02 No
- h. Gang involvement 01 Yes 02 No
- i. Disciplinary action/sanction imposed 01 Yes 02 No

19. Between January 1, 2004, and December 31, 2004, what sanctions were imposed on perpetrators of youth-on-youth SEXUAL VIOLENCE? Mark () all that apply.

- 01 Solitary confinement or segregation
- 02 Confinement to own room or quarters
- 03 Higher custody level within same facility
- 04 Transferred to another facility
- 05 Loss of "good/gain" time or increase in "bad" time
- 06 Given extra work
- 07 Loss of privileges
- 08 Arrested
- 09 Referred for prosecution
- 10 Given new sentence

20. Are data collected on where occurrences of youth-on-youth SEXUAL VIOLENCE happen?

01 Yes → **Between January 1, 2004, and December 31, 2004, how many occurrences of SEXUAL VIOLENCE happened —**

a. In the victim's room or quarters

- If the victim and perpetrator share a room, count as the victim's room.

b. In the perpetrator's room or quarters

c. In a dormitory or other multiple housing or living area

d. In a common area within a wing (shower, dayroom)

e. In a temporary holding room within the facility

f. In a program service area (yard, gym, library, classroom, or clinic)

g. In another common area within the facility (commissary, kitchen, storage, laundry, cafeteria, workshop, or hallway)

h. Outside the facility or while in transit (while on work or school release, under community supervision, or in transit to or from court)

i. Other – Specify ↴

j. **TOTAL** (Sum of Items 20a to 20i should equal sum of Items 8a and 15a.)

02 No

21. Does your State juvenile system offer an HIV/AIDS test for persons involved in occurrences of youth-on-youth SEXUAL VIOLENCE? Mark () all that apply.

01 Yes → **Under what circumstances?**

- 01 Mandatory testing for victim
- 02 Testing for victim upon request
- 03 Mandatory testing for perpetrator
- 04 Testing for perpetrator upon request by victim
- 05 Other – Specify ↴

02 No

Section III — STAFF SEXUAL MISCONDUCT

DEFINITION OF STAFF SEXUAL MISCONDUCT

The definition of STAFF SEXUAL MISCONDUCT is based on "Training for Investigators of Staff Sexual Misconduct," prepared by the National Institute of Corrections. STAFF SEXUAL MISCONDUCT includes any behavior or act of a sexual nature directed toward a juvenile or youthful offender by an employee, counselor, instructor, volunteer, official visitor, or agency representative. Romantic relationships between staff and youth are included in this definition.

Consensual or non-consensual sexual acts including:

- Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse, or gratify sexual desire;

OR

- Completed, attempted, threatened, or requested sexual acts;

OR

- Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for sexual gratification.

DEFINITION OF STAFF SEXUAL HARASSMENT

The definition of STAFF SEXUAL HARASSMENT was also developed by the National Institute of Corrections. STAFF SEXUAL HARASSMENT includes repeated verbal statements or comments of a sexual nature to a juvenile or youthful offender by an employee, counselor, instructor, volunteer, official visitor, or agency representative.

- Demeaning references to gender or derogatory comments about body or clothing;

OR

- Profane or obscene language or gestures.

22. Is your State juvenile system responsible for investigating allegations of STAFF SEXUAL MISCONDUCT that occur in State-operated juvenile residential facilities?

01 Yes

02 No → **a. What agency or office is responsible for investigating these allegations?**

- 01 Internal Affairs
- 02 Inspector General
- 03 State Police
- 04 Sheriff's Department/Local Police
- 05 Other – Specify ↴

b. Is your State juvenile system notified of the final determination of each investigation?

01 Yes

02 No → Please contact the agency or office responsible for investigating these allegations in order to fully complete this form.

23. Does your State juvenile system record allegations of STAFF SEXUAL MISCONDUCT?

01 Yes → **Do you record all reported occurrences, or only substantiated ones?**

01 All

02 Substantiated only

02 No → Please provide an explanation in the space below and then skip to Item 29.

24. Between January 1, 2004, and December 31, 2004, how many allegations of STAFF SEXUAL MISCONDUCT were reported?

Number reported None

- If an allegation involved multiple victims or staff, count only once.

→ If Item 24 is "None," skip to Item 29.

25. Of the allegations reported in Item 24, how many were —

a. Substantiated None

b. Unsubstantiated None

c. Unfounded None

d. Investigation ongoing None

e. TOTAL (Sum of Items 25a through 25d) None

→ If Item 25a is "None," skip to Item 29.

26. How many unique victims were involved in the substantiated occurrences of STAFF SEXUAL MISCONDUCT reported in Item 25a?

a. Males None

b. Females None

- Count victims involved in all occurrences. If an occurrence involved multiple victims, count each victim.
- If the same person was victimized more than once during the 12-month period, count only once.

27. How many unique staff were involved in the substantiated occurrences of STAFF SEXUAL MISCONDUCT reported in Item 25a?

a. Males None

b. Females . . . None

- If an occurrence involved multiple staff members, count each only once.
- If the same staff member was a perpetrator of more than one occurrence during the 12-month period, count only once.

28. Between January 1, 2004, and December 31, 2004, how many staff were disciplined for the substantiated occurrences of STAFF SEXUAL MISCONDUCT?

a. Number of staff discharged

b. Number of staff disciplined but not discharged

c. Number of staff referred for prosecution

29. Does your State juvenile system record allegations of STAFF SEXUAL HARASSMENT that occur in State-operated juvenile residential facilities? (See definitions on page 7.)

01 Yes → **Can these allegations be counted separately from allegations of STAFF SEXUAL MISCONDUCT?**

01 Yes

02 No → *End of questionnaire.*

02 No → *Please provide an explanation in the space below. End of questionnaire.*

30. Between January 1, 2004, and December 31, 2004, how many allegations of STAFF SEXUAL HARASSMENT were reported?

Number reported None

- If an allegation involved multiple victims or staff, count as one occurrence.

31. Of the allegations reported in Item 30, how many were —

a. Substantiated None

b. Unsubstantiated None

c. Unfounded None

d. Investigation ongoing None

e. TOTAL (Sum of Items 31a through 31d) None

→ *If Item 31a is "None," End of questionnaire.*

32. How many unique victims were involved in the substantiated occurrences of STAFF SEXUAL HARASSMENT reported in Item 31a?

a. Males None

b. Females . . . None

- Count victims involved in all occurrences. If an occurrence involved multiple victims, count each victim.
- If the same person was victimized more than once during the 12-month period, count only once.

33. How many staff were involved in the substantiated occurrences of STAFF SEXUAL HARASSMENT reported in Item 31a?

a. Males None

b. Females . . . None

- Count staff involved in all occurrences. If an occurrence involved multiple staff members, count each only once.

34. Between January 1, 2004, and December 31, 2004, how many staff were disciplined for the substantiated occurrences of STAFF SEXUAL HARASSMENT?

a. Number of staff discharged

b. Number of staff disciplined but not discharged

c. Number of staff referred for prosecution

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