

FORM **SSV-2**
(12-27-2004)

SURVEY ON SEXUAL VIOLENCE, 2004
— State Prison 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					

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

GENERAL INFORMATION

- If you need assistance, call **Greta Clark** 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 February 28, 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 confinement facilities that are intended for adults but sometimes hold juveniles.

- INCLUDE prisons, penitentiaries, and correctional institutions; boot camps; community correction facilities; halfway houses; prison farms; reception, diagnostic, and classification centers; road camps; forestry and conservation camps; vocational training facilities; prison hospitals; and drug and alcohol treatment facilities for prisoners.
- INCLUDE State-operated local detention facilities in Alaska, Connecticut, Delaware, Hawaii, Rhode Island, and Vermont.
- EXCLUDE privately-operated facilities and facilities operated and administered by local governments. (These facilities will be contacted directly for data on sexual violence.)
- EXCLUDE facilities that hold only juveniles. (These facilities will be contacted directly for data on sexual violence.)

What inmates and incidents are included in this data collection?

Inmates under your custody between January 1, 2004, and December 31, 2004.

- INCLUDE incidents involving inmates under the authority, custody, or care of your confinement or community-based facilities or staff.
- EXCLUDE incidents involving inmates held in local jails and facilities in other jurisdictions.

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.

Section I — GENERAL INFORMATION

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.

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 inmate-on-inmate 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 inmate-on-inmate 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.

1. Is your State prison system responsible for investigating allegations of inmate-on-inmate NON-CONSENSUAL SEXUAL ACTS?

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 prison 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.*

2. Does your State prison system record allegations of inmate-on-inmate NON-CONSENSUAL SEXUAL ACTS?

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

01 All

02 Substantiated only

b. Do you record attempted NON-CONSENSUAL SEXUAL ACTS or only completed ones?

01 Both attempted and completed

02 Completed only

02 No → *Please provide the definition used by your State prison system for inmate-on-inmate NON-CONSENSUAL SEXUAL ACTS in the space below. Use that definition to complete Items 3 through 7 and Items 13 through 16.*

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

Number reported None

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

→ If Item 3 is "None," skip to Item 8.

4. Of the allegations reported in Item 3, 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 4a through 4d) None

→ If Item 4a is "None," skip to Item 8.

5. Of the substantiated occurrences of inmate-on-inmate NON-CONSENSUAL SEXUAL ACTS reported in Item 4a, how many were —

a. Completed None

b. Attempted . None Not recorded

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

6. How many unique victims were involved in the substantiated occurrences of inmate-on-inmate NON-CONSENSUAL SEXUAL ACTS reported in Item 4a?

a. Males None

b. Females None

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

7. How many unique perpetrators were involved in the substantiated occurrences of inmate-on-inmate NON-CONSENSUAL SEXUAL ACTS reported in Item 4a?

a. Males None

b. Females None

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

8. Does your State prison system record allegations of inmate-on-inmate ABUSIVE SEXUAL CONTACTS?
(See definitions on page 2.)

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

01 Yes

02 No → Skip to Item 13.

02 No → Please provide an explanation in the space below and then skip to Item 13.

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

Number reported None

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

→ If Item 9 is "None," skip to Item 13.

10. Of the allegations reported in Item 9, how many were —

a. Substantiated None

b. Unsubstantiated None

c. Unfounded None

d. Investigation ongoing . . . None

→ If Item 10a is "None," skip to Item 13.

11. How many unique victims were involved in the substantiated occurrences of inmate-on-inmate ABUSIVE SEXUAL CONTACTS reported in Item 10a?

a. Males None

b. Females . . . None

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

12. How many unique perpetrators were involved in the substantiated occurrences of inmate-on-inmate ABUSIVE SEXUAL CONTACTS reported in Item 10a?

a. Males None

b. Females . . . None

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

Questions 13 – 16 refer to occurrences of inmate-on-inmate SEXUAL VIOLENCE, which include all substantiated occurrences of NON-CONSENSUAL SEXUAL ACTS and ABUSIVE SEXUAL CONTACTS.

13. Does your State prison system record the following information on occurrences of inmate-on-inmate 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

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

- 01 Solitary confinement or segregation
- 02 Confinement to own cell 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

Section II — STAFF SEXUAL MISCONDUCT

15. Are data collected on where occurrences of inmate-on-inmate 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 cell/room**
- If the victim and perpetrator share a cell/room, count as the victim's cell/room.
- b. In the perpetrator's cell/room**
- c. In a dormitory or other multiple housing or living area**
- d. In a common area within a cell block (shower, dayroom)**
- e. In a temporary holding cell within the facility**
- f. In a program service area (yard, gym, library, 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 release or work detail, under community supervision, or in transit to or from court)**
- i. Other – Specify**
-
- j. TOTAL (Sum of Items 15a to 15i should equal sum of Items 4a and 10a.)**

02 No

16. Does your State prison system offer an HIV/AIDS test for persons involved in occurrences of inmate-on-inmate 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

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 an inmate by an employee, volunteer, official visitor, or agency representative. Romantic relationships between staff and inmates 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 an inmate by an employee, volunteer, official visitor, or agency representative.

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

OR

- Profane or obscene language or gestures.

17. Is your State prison system responsible for investigating allegations of STAFF SEXUAL MISCONDUCT?

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 prison 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.*

18. Does your State prison 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 24.*

19. 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 19 is "None," skip to Item 24.*

20. Of the allegations reported in Item 19, how many were —

a. Substantiated None

b. Unsubstantiated None

c. Unfounded None

d. Investigation ongoing None

→ *If Item 20a is "None," skip to Item 24.*

21. How many unique victims were involved in the substantiated occurrences of STAFF SEXUAL MISCONDUCT reported in Item 20a?

a. Males None

b. Females . . . None

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

22. How many unique staff were involved in the substantiated occurrences of STAFF SEXUAL MISCONDUCT reported in Item 20a?

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.

23. 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

24. Does your State prison system record allegations of STAFF SEXUAL HARASSMENT?
(See definitions on page 5.)

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.

25. 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 only once.

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

a. Substantiated None

b. Unsubstantiated None

c. Unfounded None

d. Investigation ongoing None

→ If Item 26a is "None," end of questionnaire.

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

a. Males None

b. Females None

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

28. How many staff were involved in the substantiated occurrences of STAFF SEXUAL HARASSMENT reported in Item 26a?

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.

29. 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

NOTES

Blank area for notes.