



Bureau of Justice Statistics

Status Report

June 2009, NCJ 227377

Prison Rape Elimination Act of 2003

PREA Data Collection Activities, 2009

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 Federal, State, and county prisons, and a representative sample of municipal prisons. Nearly 8,700 facilities nationwide are covered by the Act. BJS has developed a multiple-measure, multiple-mode data collection strategy to fully implement requirements under PREA.

Data collection activities during 2008 and 2009

Survey on Sexual Violence (SSV) in Correctional Facilities collects data annually on the incidence of sexual violence in adult and juvenile correctional facilities. This administrative records collection was first conducted in 2004 and was the first in a series of planned data collections to fully implement the mandates contained in the Prison Rape Elimination Act of 2003. The survey includes measures of four different types of sexual violence, and it is administered to a sample of at least 10% of the nearly 8,700 correctional facilities covered under the Act. Additional detail is collected on the characteristics of substantiated incidents of sexual violence. Data were collected in 2004, 2005, 2006, and 2007. The 2008 SSV is in progress.

The administrative records surveys provide a basis for the annual statistical review required under the Act. The surveys include all federal and state prison systems and facilities operated by the U.S. Armed Services (in the continental U.S.) and U.S. Immigration and Customs Enforcement. The surveys also include representative samples of jail jurisdictions, privately operated adult prisons and jails, and jails in Indian country. Overall, the SSV includes facilities housing nearly 2 million inmates, or more than 80% of all inmates held in adult facilities in 2007.

- All state and federal prison systems, all military facilities, and all sampled public and private jail facilities (542) responded to the survey. Eight of 50 facilities housing adults in Indian country and 1 of 13 facilities operated by U.S. Immigration and Customs Enforcement refused or did not respond to repeated requests. Results of the 2007 survey are expected to be released in August 2009.
- The administrative records surveys also include all state juvenile correctional systems and a representative sample of locally and privately operated juvenile facilities. As enumerated in the 2006 Juvenile Residential Facility Census, there were 3,025 non-tribal facilities. The 2007 SSV included all state facilities (501) and a sample of 330 local or private facilities. All state systems and the District of Columbia responded to the survey; two local or private facilities refused or did not respond to repeated requests.
- The 2008 SSV juvenile collection is currently in the field. Detailed information on substantiated incidents collected in 2007 and 2008 will be combined and issued in a separate report.

National Inmate Survey (NIS) gathers data on the incidence of sexual assault in correctional facilities. Data are collected directly from inmates in a private setting using Audio Computer-Assisted Self Interview (ACASI) technology with a laptop touchscreen and an audio feed to maximize inmate confidentiality and minimize literacy issues.

- Between October 2008 and January 2009, BJS completed the second annual NIS in 167 state and federal prisons. A total of 29,900 inmates participated in the survey, yielding a response rate of 71%.

- The 2008 NIS was designed in accordance with the requirement that BJS draw a random sample of not less than 10% of prison facilities. All of the sampled prison facilities (171) participated in the survey, except four that were determined to be ineligible.
- In 2008 BJS expanded NIS to include facilities operated by U.S. Immigration and Customs Enforcement, facilities operated by the U.S. Armed Services, and jails in Indian country. The 2008 NIS was also modified to provide more in-depth data on the number of incidents, the timing of sexual victimization after entry to the facility, and the relationship of inmate victimization to pat downs and strip searches by staff.
- In October 2009 BJS expects to release the report entitled *Sexual Victimization in State and Federal Prisons as Reported by Inmates, 2008*, which will provide rankings of prison facilities as required under the Act.
- Data collection in 330 randomly selected public and privately operated jails is in progress. Collection activities will be completed by September 2009. Jail rankings are expected to be released by March 2010.

Former Prisoner Survey (FPS) will provide a national estimate of the incidence of sexual victimization based on reports of former state prison inmates. Parole offices from across the nation were sampled, and a selection of former inmates under active parole supervision were interviewed using ACASI technology. The survey collects data on the totality of the prior term of incarceration, including any time in a local jail, state prison, or community correctional facility prior to final discharge.

- Between January and November 2008, BJS completed the FPS in a sample of 285 parole offices with nearly 18,000 former inmates.
- The dataset is being cleaned and weighted, with delivery of a final file in August 2009. Results are expected to be released by January 2010.

National Survey of Youth in Custody (NSYC) will provide facility-level estimates of youth reporting sexual victimization in juvenile facilities, as required under the Prison Rape Elimination Act of 2003. The NSYC includes a sample of state facilities and large locally or privately operated facilities housing adjudicated youth. After obtaining either individual parental consent or *in loco parentis* from the facility, a sample of youth in each selected facility was interviewed in a private setting using ACASI.

- The NSYC includes about 10,400 adjudicated youth in a sample of 168 state-operated facilities and 29 large non-state facilities with an average daily population of 150 or more youth during 2005. Data collection began in June 2008 and was completed in April 2009.

- In April 2009 BJS held a national workshop in Washington, DC, to discuss the NSYC data collection experience, the multiple measures of sexual violence, and different approaches for ranking facilities. Attendees of the day-long workshop included state juvenile correctional administrators, BJS statisticians, and staff from WESTAT, Inc., the NSYC data collection agent.
- The final dataset is being cleaned and weighted, with delivery anticipated in July 2009. Facility rankings will be released in a report by December 2009.

Clinical Indicators of Sexual Violence in Custody (CISVC) is a BJS collaboration with the National Institute of Justice and the Centers for Disease Control and Prevention to conduct a feasibility study using medical indicators and medical surveillance methodologies. The study will measure the incidence and prevalence of sexual assault in correctional facilities.

- The CISVC is designed to be conducted in the health care section of each participating correctional facility. Medical staff will complete a one-page surveillance form for adult male inmates who either make an allegation of sexual violence or display any of five clinical conditions (i.e., rectal bleeding; rectal or anal tears or fissures; bruises, scratches, or abrasions on buttocks; genital bruising; or nipple injuries).
- In April 2009 the Office of Management and Budget (OMB) approved the 12-month feasibility study. Recruitment of 25 prisons and 10 jails is underway, with data collection to begin in January 2010.

Released Reports

Sexual Victimization in Local Jails Reported by Inmates, 2007, NCJ 221946 <<http://www.ojp.usdoj.gov/bjs/abstract/svljri07.htm>>.

Sexual Violence Reported by Juvenile Correctional Authorities, 2005-2006, NCJ 215337 <<http://www.ojp.usdoj.gov/bjs/abstract/svrjca0506.htm>>.

Sexual Victimization in State and Federal Prisons as Reported by Inmates, 2007, NCJ 219414 <<http://www.ojp.usdoj.gov/bjs/abstract/svsfpri07.htm>>.

Sexual Violence Reported by Correctional Authorities, 2006, NCJ 218914 <<http://www.ojp.usdoj.gov/bjs/abstract/svrca06.htm>>.

Sexual Violence Reported by Correctional Authorities, 2005, NCJ 214646 <<http://www.ojp.usdoj.gov/bjs/abstract/svrca05.htm>>.

Sexual Violence Reported by Correctional Authorities, 2004, NCJ 210333 <<http://www.ojp.usdoj.gov/bjs/abstract/svrca04.htm>>.