



Prison Rape Elimination Act of 2003

PREA Data Collection Activities, 2011

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. In 2010 more than 7,600 facilities nationwide were covered by the Act. The Act requires the Attorney General to submit a report, *not later than June 30 of each year*, listing institutions in the sample and ranking 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 2010 AND 2011

National Survey of Youth in Custody (NSYC) provided the first facility-level estimates of youth reporting sexual victimization in juvenile facilities, as required under PREA. The report, *Sexual Victimization in Juvenile Facilities Reported by Youth, 2008-09*, was released in January 2010. It was based on 9,198 completed interviews with adjudicated youth in 166 state facilities and 29 large locally or privately operated facilities.

The data collection was complex, requiring review from dozens of Institutional Review Boards at the state and local levels, obtaining consent from either the sampled youths' parents or guardians or *in loco parentis* from administrators of each facility, ensuring youth understood the survey assent process, providing appropriate services for youth should they request to speak to someone outside the facility, and following individual state laws on mandatory reporting of child abuse and neglect.

Each interview was conducted in a private setting using audio computer-assisted self-interview (ACASI) technology with a laptop touchscreen and an audio feed to maximize respondent confidentiality and minimize literacy issues. The data collected represent approximately 26,550 adjudicated youth held nationwide. (See the report for detailed methodology and definitions.)

Among the findings—

- An estimated 12% of youth in state juvenile facilities and large non-state facilities reported experiencing one or more incidents of sexual victimization by another youth or facility staff in the past 12 months or since admission, if less than 12 months.
- About 2.6% of youth reported an incident involving another youth, and 10.3% reported an incident involving facility staff.

- About 4.3% of youth reported having sex or other sexual contact with facility staff as a result of some type of force or threat of force; 6.4% of youth reported sexual contact with facility staff without any force, threat, or other explicit form of coercion.
- Approximately 95% of all youth reporting staff sexual misconduct said they had been victimized by female staff. In 2008, 42% of staff in state juvenile facilities were female.
- Among youth victimized by another youth, 20% said they had been physically injured; 5% reported they had sought medical attention for their injuries. Among youth victimized by staff, 5% reported a physical injury; fewer than 1% had sought medical attention.

The second collection (NSYC-2) is under review by the Office of Management and Budget (OMB). Based on feedback from juvenile administrators and experts in investigating allegations of child abuse and neglect, BJS has added new items to measure the accuracy of youth self-reports, included new items to more fully understand staff sexual misconduct, developed methods to enhance response rates, and expanded the sample to include youth held in smaller facilities and facilities under contract to state juvenile correctional authorities. A new component of NSYC-2 is the collection of information about each facility and living unit. NSYC-2 will collect data on facility staffing, use of video surveillance, characteristics of youth held, and factors related to placement of youth in different living units within the facility.

Field operations for the NSYC, including recruitment, Institutional Review Board processing, and site visit planning, will begin following OMB clearance in July 2011. Interviewing of youth is expected to begin in February 2012. When the data collection is completed in early 2013, BJS will produce national estimates, facility-level estimates in large facilities, and state-level estimates of alleged sexual victimization.

National Inmate Survey (NIS) gathers data on the incidence of sexual assault in adult prisons and local jail facilities, as reported by inmates using 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, producing two reports: *Sexual Victimization in State and Federal Prisons Reported by Inmates, 2007* and *Sexual Victimization in Local Jails Reported by Inmates, 2007*. The second NIS (NIS-2) was conducted between October 2008 and December 2009, producing a combined prison and jail report: *Sexual Victimization in Prisons and Jails Reported by Inmates, 2008-09*.

- NIS-2 was conducted in 167 state and federal prisons, 286 local jails, and 10 special correctional facilities (operated by Immigration and Customs Enforcement (ICE), Indian tribes, or the U.S. Armed Services). A total of 81,566 inmates participated in the survey, including 32,029 prison inmates, 48,066 jail inmates, 957 ICE detainees, 399 inmates in facilities operated by the U.S. Armed Services, and 115 inmates in Indian country facilities.
- Rates of alleged sexual victimization were unchanged between NIS-1 and NIS-2. In NIS-2, an estimated 4.4% of prison inmates and 3.1% 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. In NIS-1, 4.5% of prisoners and 3.2% of jail inmates reported having been sexually victimized.
- BJS used the NIS-2 to provide more in-depth analyses of different types of victimization, inmate risk factors, and circumstances surrounding victimization. To address PREA requirements, BJS identified facilities as having high or low rates based on each type of victimization, and statistical criteria applied to the lower and upper bounds of confidence intervals associated with the survey estimates.
- The third NIS collection (NIS-3), in which data collection began in January 2011, has been modified to include measures of mental and physical health, as well as indicators of facility safety and security. When completed in early 2012, the NIS-3 will provide additional information on inmate risk factors and will identify facility characteristics related to variations in sexual victimization.

Survey of Sexual Violence (SSV) collects data annually on the incidence of sexual violence in adult and juvenile correctional facilities. This administrative records collection, the first of a series of data collections implemented to meet PREA mandates, began in 2004. The surveys include measures of four different types of sexual violence, and it is administered to a sample of at least 10% of all correctional facilities covered under the Act. Additional detail is collected on the characteristics of substantiated incidents of sexual violence.

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, as well as facilities operated by the U.S. Armed Services and 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 operated juvenile facilities and a representative sample of locally and privately operated juvenile facilities.

The report, *Sexual Victimization Reported by Adult Correctional Authorities, 2007-2008*, was released in January 2011. Among the report's findings—

- Administrators of adult correctional facilities reported 7,444 allegations of sexual victimization in 2008 and 7,374 allegations in 2007.
- The number of allegations has risen since 2005, largely due to increases in prisons, where allegations increased 21% (from 4,791 in 2005 to 5,796 in 2008).
- In 2008, 931 allegations of sexual victimization (13%) were substantiated, that is, determined to have occurred upon investigation.
- State prison administrators reported 589 substantiated incidents of sexual victimization in 2008, up 28% from 459 in 2005.
- About 54% of substantiated incidents of sexual victimization involved only inmates, while 46% of substantiated incidents involved staff with inmates.
- Injuries were reported in about 18% of incidents of inmate-on-inmate sexual victimization and less than 1% of incidents of staff sexual victimizations.

Results of the 2007–09 juvenile surveys are expected in November 2011.

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.

- The methodology of FPS is not conducive to facility ranking but will provide substantial data on the characteristics of sexual victimization across facility types and over time, as well as effects of victimization following release from prison.
- Between January and November 2008, BJS conducted FPS in a sample of 285 parole offices with nearly 18,000 former inmates. BJS is currently working on a final report, expected to be released in September 2011.

Clinical Indicators of Sexual Violence in Custody (CISVC).

In collaboration with the National Institute of Justice (NIJ) and the Centers for Disease Control and Prevention (CDC), BJS is conducting 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. As part of routine medical practice, medical staff will complete a surveillance form for adult male inmates who make an allegation of sexual violence, display any of five clinical

conditions (i.e., unexplained rectal bleeding; rectal or anal tears or fissures; bruises, scratches, or abrasions on buttocks; genital bruising; or nipple injuries), or who medical staff suspect have been victimized.

- Data collected in the CISVC will include the following: victim age, height, weight, and race/Hispanic origin; a general injury assessment; a mental health assessment; and follow-up information.
- On April 30, 2011, CDC completed the 12-month data collection period in 19 participating prisons and 11 jails. BJS, NIJ, and CDC are currently working on a joint report, expected to be released in January 2012.

UPCOMING REPORTS IN 2011

- *Sexual Victimization Reported by Former Inmates on Parole Supervision, 2008* (September 2011).
- *Sexual Violence Reported by Juvenile Correctional Authorities, 2007-09* (November 2011).

PREVIOUSLY RELEASED REPORTS

- *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.

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This report in PDF and in ASCII and its related statistical data and tables are available at the BJS website: <http://bjs.gov/index.cfm?ty=pbdetail&iid=2198>.