



Bureau of Justice Statistics

Status Report

June 2010, NCJ 230448

Prison Rape Elimination Act of 2003

PREA Data Collection Activities, 2010

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 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*. More than 8,700 facilities nationwide are 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 2009 and 2010

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 collected represented approximately 26,550 adjudicated youth held nationwide.

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. (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 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. An estimated 91% of adjudicated youth in facilities represented by the survey were male.
- 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 NSYC methodology and instrument are under review for a second round of data collection. In the coming months, BJS will be soliciting feedback from juvenile administrators and other stakeholders, revising survey questions to screen for sexual assault, adding questions to measure the accuracy of self-reports, developing methods to enhance response rates, and expanding the sample to include youth housed in smaller private and locally operated facilities and youth held for shorter periods of time. These changes will be examined in a pretest in up to 10 facilities in early 2011.

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, and two reports were produced: *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 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 victimization to pat downs and strip searches by staff.
- Between October 2008 and December 2009, BJS completed the NIS-2 in 167 state and federal prisons, 286 local jails, and 9 special correctional facilities (operated by Immigration and Customs Enforcement, 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 local jail inmates, 957 Immigration and Customs Enforcement (ICE) inmates, 399 inmates in facilities operated by the U.S. Armed Services, and 115 inmates in Indian country facilities. The data collected are representative of more than 2.24 million inmates age 18 or older held on June 30, 2008.
- In July 2010 BJS expects to release the report entitled *Sexual Victimization in Prisons and Jails Reported by Inmates, 2008-09*, which will provide rankings of prison and jail facilities surveyed in the NIS-2, as well as characteristics of victims and incidents.
- The third NIS collection (NIS-3), which is under review by the Office of Management and Budget (OMB), has been modified to include measures of mental and physical health and indicators of facility safety and security. Field operations for the NIS-3, including recruitment, Institutional Review Board processing, and site visit planning, will begin following OMB clearance in July 2010.

Survey of Sexual Violence (SSV) in Correctional Facilities collects data annually on the incidents of sexual violence reported to authorities 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 survey includes measures of four different types of sexual violence and 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 have been collected in 2004, 2005, 2006, 2007, 2008, and 2009 (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 and ICE. The surveys also include representative samples of jail jurisdictions, privately operated adult prisons and jails, and jails in Indian country. Altogether, the SSV included facilities housing nearly 2 million inmates, or more than 80% of all inmates held in adult facilities in 2008. Each year the SSV also included all state-operated juvenile facilities and a representative sample of locally and privately operated juvenile facilities.

Results of the 2007 and 2008 surveys are expected for adult prisons and jails in August 2010 and for juvenile facilities in November 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.

- The methodology of the 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 completed the FPS in a sample of 285 parole offices with nearly 18,000 former inmates, representing 510,800 former state inmates under active parole supervision nationwide. BJS received the final dataset in August 2009 and is currently working on a report expected to be released in October 2010.

Clinical Indicators of Sexual Violence in Custody (CISVC) – In collaboration with the National Institute of Justice and BJS, the Centers for Disease Control and Prevention (CDC) 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 either make an allegation of sexual violence or 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).
- Data collected in the CISVC will include victim age, height, weight, and race/Hispanic origin; a general injury assessment; a mental health assessment; and follow-up information.
- Data collection began on May 1, 2010, in 18 prisons and 11 jails and will continue for a 12-month period. If the feasibility study yields acceptable results, a formal pilot study in advance of national implementation will be conducted to formalize recruitment of facilities, data collection, and analytic methods.

Upcoming Reports and Statistical Tables in 2010

Sexual Victimization in Prisons and Jails Reported by Inmates, 2008-09 (July 2010)

Sexual Violence Reported by Correctional Authorities, 2007-08 (August 2010)

Sexual Victimization Reported by Former Inmates on Parole Supervision, 2008 (October 2010)

Sexual Violence Reported by Juvenile Correctional Authorities, 2007-08 (November 2010)

Previously Released Reports

Sexual Victimization in Juvenile Facilities Reported by Youth, 2008-09, BJS Web, 7 January 2010.

Sexual Victimization in Local Jails Reported by Inmates, 2007, BJS Web, 25 June 2008.

Sexual Violence Reported by Juvenile Correctional Authorities, 2005-2006, BJS Web, 31 July 2008.

Sexual Victimization in State and Federal Prisons as Reported by Inmates, 2007, BJS Web, 16 December 2007.

Sexual Violence Reported by Correctional Authorities, 2006, BJS Web, 16 August 2007.

Sexual Violence Reported by Correctional Authorities, 2005, BJS Web, 30 July 2006.

Sexual Violence Reported by Correctional Authorities, 2004, BJS Web, 31 July 2005.



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The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Michael D. Sinclair is acting director.

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This report in portable document format and in ASCII and its related statistical data and tables are available at the BJS World Wide Web Internet site: <<http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=2292>>.

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