



Prison Rape Elimination Act of 2003

PREA Data-Collection Activities, 2020

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. PREA further specifies, “The review and analysis...shall be based on a random sample, or other scientifically appropriate sample, of not less than 10% of all Federal, State, and county prisons, and a representative sample of municipal prisons.”

In 2019, more than 7,600 prisons, jails, community-based facilities, and juvenile correctional facilities nationwide were covered by PREA. The act requires the Attorney General to submit—no later than June 30 of each year—a report that lists institutions in the sample and ranks them according to incidence of prison rape. To implement requirements under PREA, BJS developed a data-collection strategy involving multiple measures and modes.

DATA COLLECTIONS AND DEVELOPMENTAL ACTIVITIES DURING 2019 AND 2020

The **National Survey of Youth in Custody (NSYC)** provides facility-level estimates of youth reporting sexual victimization in juvenile facilities. Interviews of the youth are conducted using audio computer-assisted self-interview (ACASI) technology with a touchscreen-enabled laptop. ACASI technology maximizes the confidentiality of responses. It addresses literacy concerns by simultaneously providing the youth with an audio feed of the questions being read.

The NSYC has been conducted three times. The first NSYC (NSYC-1) was conducted from June 2008 to April 2009 and included more than 9,000 youth from 195 juvenile facilities. The second NSYC (NSYC-2) was conducted from February 2012 to September 2012 and included more than 8,700 youth from 326 facilities. The third NSYC (NSYC-3) was conducted from March 2018 to December 2018 and included more than 6,000 youth from 327 facilities. The NSYC-3 was the first NSYC conducted since the U.S. Department of Justice’s PREA standards were released in 2012.

In addition to ranking facilities as required by the act, the NSYC-3 measured change in the prevalence of sexual victimization, the types of incidents in facilities, whether a victim reported an incident to facility staff, and the responses by facility staff to incidents that occurred since the adoption of the PREA standards.

NSYC results have shown a decrease over time in the percentage of youth reporting sexual victimization in the survey. The overall prevalence of sexual victimization

was 12.1% of youth in the NSYC-1,¹ 9.5% in the NSYC-2,² and 7.1% in the NSYC-3.³ The data show that youth in juvenile detention facilities experience higher rates of sexual victimization (9.5% of youths were victimized in 2012) than adults in prisons (4.0% during 2011-12) or jails (3.2% during 2011-12).⁴

For the NSYC-3—

- In December 2019, BJS released the report *Sexual Victimization Reported by Youth in Juvenile Facilities, 2018*. This report describes the prevalence of sexual victimization as reported by youth in juvenile facilities. It identifies 12 facilities with high rates of victimization and 14 facilities with low rates of victimization (out of 113 facilities with enough interviews to qualify for facility-level rankings).
- In April 2020, the report, *Assessing the Informed-Assent Procedure for the National Survey of Youth in Custody (NSYC)*, was released. This third-party report was completed by the data-collection agent for the NSYC-3, Westat (Rockville, MD). This report outlines

¹See *Sexual Victimization in Juvenile Facilities Reported by Youth, 2008-09* (NCJ 228416, BJS, January 2010).

²See *Sexual Victimization in Juvenile Facilities Reported by Youth, 2012* (NCJ 241708, BJS, June 2013).

³See *Sexual Victimization Reported by Youth in Juvenile Facilities, 2018* (NCJ 253042, BJS, December 2019).

⁴See *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12* (NCJ 241399, BJS, May 2013).

the assent protocol developed and implemented in all iterations of the NSYC to ensure that responding youth understood the core elements of the survey prior to the start of the survey. The protocol consisted of an interviewer reading scripted text to each youth and asking several questions to assess their understanding of survey procedures (for example, that participation is voluntary and that their responses are confidential).

- By June 30, 2020, BJS will publish supplemental tables to the report, *Sexual Victimization Reported by Youth in Juvenile Facilities, 2018* (NCJ 253042, December 2019). These tables will provide additional information about incidents occurring in facilities identified by the NSYC-3 to have high victimization rates.
- In 2021, BJS expects to publish a report, which will examine facility and youth characteristics that are correlated with sexual victimization. The report will use both the youth surveys and the facility surveys from the NSYC-3.

The **National Inmate Survey (NIS)** gathers data on the prevalence and incidence of sexual assault in adult prison and local jail facilities as reported by state prisoners and local jail inmates. The survey uses ACASI technology with a touchscreen-enabled laptop to maximize prisoner and jail inmate confidentiality and a simultaneous audio feed to minimize literacy issues.

The first NIS (NIS-1) was conducted in 2007, followed by NIS-2 during 2008-09 and NIS-3 during 2011-12. The NIS-4 is expected to be administered during 2021 in two separate data collections: one for prisons and one for jails.

Both the prison and jail data-collections use four survey instruments, administered during the same period:

1. the main sexual victimization questionnaire administered through ACASI in English or Spanish
2. the facility questionnaire administered to correctional officials
3. an alternative questionnaire administered to a randomly selected 5% of the inmate sample via ACASI in English or Spanish, that contains questions about other aspects of the prisoner's or jail inmate's time in their current facility
4. an abridged version of the sexual victimization questionnaire, administered via paper and pencil, for prisoners and jail inmates who cannot be physically brought to the interview room due to medical or security reasons.

NIS-4 Prisons

During 2019 and the first half of 2020, BJS prepared for this collection by—

- finalizing the sampling frame and drawing the sample of facilities
- conducting a pilot test of the ACASI survey instruments and survey administration protocols in three state prisons (one in New Mexico and two in Maryland), with a total of 72 inmate interviews
- revising the survey questionnaires and protocols based on pilot test results
- preparing and submitting an Office of Management and Budget (OMB) clearance package under the Paperwork Reduction Act.

In December 2018, RTI, the data-collection agent for the NIS-4 Prisons, submitted a protocol to its institutional review board (IRB) for the NIS-4 Prisons pilot study and main data collection. The IRB approved the protocol in February 2019. After revising the protocol based on the pilot-test results, RTI submitted a request for modification to the IRB, which approved the request in April 2020.

Data collection in prisons is scheduled to begin in January 2021.

NIS-4 Jails

During 2019 and the first half of 2020, BJS prepared for this collection by—

- developing a sample design that will provide reliable estimates for sampled jail facilities and will measure change from past NIS collections
- preparing survey instruments, including cognitively testing the Spanish version of the inmate instrument and developing implementation protocols
- requesting expert review of the survey instruments
- preparing an OMB Paperwork Reduction Act clearance package and submitting a Federal Register Notice.

Before implementing the NIS-4 Jails, BJS will conduct a pre-test of the survey instrument and protocols in selected jail facilities. Data collection in jails is scheduled to begin in January 2021.

The **Survey of Sexual Victimization (SSV)**, conducted annually by BJS since 2004, is an administrative data collection based on official records kept by correctional facilities in the United States. The survey gathers information on alleged and substantiated incidents

recorded by correctional authorities each calendar year. BJS uses uniform definitions to classify each recorded sexual victimization by the type of act and whether the perpetrator was another prisoner or jail inmate, a youth in the facility, or facility staff. In 2013, BJS added and modified certain definitions to align with the PREA standards promulgated in May 2012.

The SSV questionnaires were distributed to the Federal Bureau of Prisons (BOP), state prison systems, private prison facilities, public and private jails, state juvenile systems, jails in Indian country, facilities operated by the U.S. military and by U.S. Immigration and Customs Enforcement (ICE), and locally or privately operated juvenile facilities. As in previous years, administrators completed the forms via PDF or a web-based interface.

In September 2018, BJS received approval from OMB to conduct the SSV through September 2021. Data collection for the 2017 reference year was initiated in 2018 and was completed in 2019. A total of 1,583 facilities were selected for inclusion in the survey. The survey achieved a 100% response rate from the BOP, state prison systems, and state juvenile systems. Eighty-six percent of sampled local jails, 78% of locally or privately operated juvenile facilities, and 88% of other adult correctional facilities responded to the survey.

Data collection for the 2018 reference year is expected to be completed in the summer of 2020. As of May 31, 2020, response rates for the BOP, state prison systems, and state juvenile systems was 100%. Eighty-two percent of sampled local jails, 84% of locally or privately operated juvenile facilities, and 88% of other adult correctional facilities responded to the survey.

Data collection for the 2019 reference year will begin in August 2020 and is expected to be completed by March 2021.

BJS has continued to implement improvements to the SSV data-collection process to increase data quality and reduce data-entry burden. These improvements include—

- developing, testing, and implementing 500 new data and machine edits for variables in the web-collection instrument and the data-processing system. These edits include data quality checks, error messages, skip patterns, and tables that improve analysis and review.
- additional enhancements to the functionality of the PDF in the web-collection instrument. These enhancements include automating data extraction from the PDF files and improving data quality and user experience.
- updating the universe of eligible prison and jail facilities through frame enhancements, such as comparing the most recent frame to the previous year's frame and conducting extensive research on facilities that do not match.

In 2021, BJS plans to publish a report from the SSV data collection.

PREVIOUSLY RELEASED REPORTS

- *Sexual Victimization Reported by Youth in Juvenile Facilities - Supplemental Tables, 2018*, NCJ 253042, June 2020
- *Sexual Victimization Reported by Youth in Juvenile Facilities, 2018*, NCJ 253042, December 2019
- *Sexual Victimization Reported by Adult Correctional Authorities, 2012-15*, NCJ 251146, July 2018
- *Sexual Victimization Reported by Juvenile Correctional Authorities, 2007-12*, NCJ 249145, January 2016
- *Survey of Sexual Violence in Juvenile Correctional Facilities, 2007-12 – Statistical Tables*, NCJ 249143, January 2016
- *Survey of Sexual Violence in Adult Correctional Facilities, 2009-11 – Statistical Tables*, NCJ 244227, January 2014
- *Sexual Victimization Reported by Adult Correctional Authorities, 2009-11*, NCJ 243904, January 2014
- *Sexual Victimization in Juvenile Facilities Reported by Youth, 2012*, NCJ 241708, June 2013
- *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12*, NCJ 241399, May 2013
- *Sexual Victimization Reported by Former State Prisoners, 2008*, NCJ 237363, May 2012
- *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

THIRD-PARTY REPORTS

- *Assessing the Informed-Assent Procedure for the National Survey of Youth in Custody (NSYC)*, NCJ 251778, April 2020
- *Facility-level and Individual-level Correlates of Sexual Victimization in Juvenile Facilities, 2012*, NCJ 249877, June 2016



The Bureau of Justice Statistics of the U.S. Department of Justice is the principal federal agency responsible for measuring crime, criminal victimization, criminal offenders, victims of crime, correlates of crime, and the operation of criminal and civil justice systems at the federal, state, tribal, and local levels. BJS collects, analyzes, and disseminates reliable statistics on crime and justice systems in the United States, supports improvements to state and local criminal justice information systems, and participates with national and international organizations to develop and recommend national standards for justice statistics. Jeffrey H. Anderson is director.

This report was written by Amy Lauger. Laura Maruschak contributed to the report. Stephanie Mueller and Michael Field verified the report.

Morgan Young and Edrienne Su edited the report. Morgan Young produced the report.

June 2020, NCJ 254764



NCJ254764

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