



Prison Rape Elimination Act of 2003

PREA Data Collection Activities, 2022

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 percent of all Federal, State, and county prisons, and a representative sample of municipal prisons.”

In 2021, PREA covered approximately 7,000 prisons, jails, community-based facilities, and juvenile justice facilities nationwide. 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 2021 AND 2022

The **National Survey of Youth in Custody (NSYC)** provides facility-level estimates of youth reporting sexual victimization in juvenile justice 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.

BJS has conducted the NSYC 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 justice 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 justice 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

The Office of Justice Programs’ Review Panel on Prison Rape held public hearings on May 17–18, 2022, in response to *Sexual Victimization Reported by Youth in Juvenile Facilities, 2018* (NCJ 253042, BJS, December 2019). The purpose of the hearings is “to collect evidence to aid in the identification of common characteristics of both victims and perpetrators of prison rape, and the identification of common characteristics of prisons and prison systems with a high incidence of prison rape, and the identification of common characteristics of prisons and prison systems that appear to have been successful in deterring prison rape.” BJS provided testimony at the hearings to explain NSYC’s methodology and how the high-rate and low-rate facilities were identified.

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).

From July 2021 to June 2022, BJS continued to analyze the NSYC-3 data, including facility characteristics related to sexual victimization of youth in custody and drug and alcohol use and abuse by the youth prior to entering custody.

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.

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.

BJS conducted the first NIS (NIS-1) in 2007, followed by NIS-2 during 2008–09 and NIS-3 during 2011–12.

Data collection for the NIS-4 was formerly scheduled to begin in January 2021. However, the challenges that correctional facilities have faced due to the COVID-19 pandemic made it infeasible to survey prisoners and jail inmates during 2021 or 2022. Due to concerns for the safety of prisoners, inmates, correctional staff, and data collection agents, as well as associated operational challenges, BJS temporarily suspended plans for data collection. BJS continues to monitor conditions and will start data collection as soon as practicable, which is tentatively planned for 2023.

From July 2021 to June 2022, BJS prepared for this collection by—

- monitoring the COVID-19 pandemic to determine when data collection would become practicable
- revising the survey instrument to reflect changing priorities and the latest guidelines about collecting

information about sexual orientation and gender identity

- submitting a 60-day notice to the Federal Register for the NIS-4 collection in jails
- preparing an Office of Management and Budget (OMB) clearance package under the Paperwork Reduction Act (PRA) for the NIS-4 collection in jails
- preparing an OMB PRA substantive change request for the NIS-4 collection in prisons.

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. BJS administers the SSV to a sample of at least 10% of all correctional facilities covered under PREA and gathers information on allegations and substantiated incidents that occur 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.

Data collection for the 2019 reference year was initiated in 2020 and completed in 2021. BJS distributed the SSV questionnaires to the Federal Bureau of Prisons (BOP), state prison systems, private prison facilities, public and private jails, jails in Indian country, a central reporter for each branch of the U.S. military, facilities operated by U.S. Immigration and Customs Enforcement, state juvenile justice systems, and locally or privately operated juvenile justice facilities. As in previous years, administrators completed the forms via PDF or a web-based interface. The response rate for the BOP, state prison systems, and state juvenile justice systems was 100%. Ninety percent of sampled local jails, 91% of locally or privately operated juvenile justice facilities, and 92% of other adult correctional facilities responded to the 2019 survey.

In August 2021, BJS received approval from the OMB to conduct the SSV through August 2024. Data collection for the 2020 reference year was initiated in 2021 and completed in April 2022. The response rates for the BOP, state prison systems, and state juvenile justice systems were 100%, while 95% of sampled local jails, 95% of locally or privately operated juvenile justice facilities, and 97% of other adult correctional facilities responded to the survey. The overall response rate to the 2020 data collection was 95%, up 4% from

91% in 2019. Response rates were higher in 2020 than in 2019 across all sampled facility types.

Data collection for the 2021 reference year will begin in midsummer of 2022 and is expected to be completed by early spring of 2023. BJS will continue working to enhance and improve the SSV data collection, including—

- an evaluation of the current sampling design and methodology for adult correctional and juvenile justice facilities to ensure that data obtained from the facilities selected are representative of the target population

- a full evaluation, redesign, and implementation of the current instruments for adult and juvenile facilities. This effort is to modernize data collection based on lessons learned from research efforts and stakeholder interviews.

From July 2021 to June 2022, BJS analyzed data from the SSV substantiated incident forms. This included data related to characteristics of the victims, perpetrators, and incidents as reported by adult correctional and juvenile justice authorities.

PREVIOUSLY RELEASED REPORTS

- *Sexual Victimization Reported by Adult Correctional Authorities, 2016–18*, NCJ 255356, June 2021
- *Sexual Victimization Reported by Juvenile Justice Authorities, 2013–18*, NCJ 300029, June 2021
- *Survey of Sexual Victimization in Adult Correctional Facilities, 2012–18 – Statistical Tables*, NCJ 252836, June 2021
- *Victim, Perpetrator, and Incident Characteristics of Sexual Victimization of Youth in Juvenile Facilities, 2018 – Statistical Tables*, NCJ 255446, November 2020
- *Sexual Victimization Reported by Youth in Juvenile Facilities – Supplemental Tables, 2018*, NCJ 254892, 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
- *Sexual Victimization Reported by Adult Correctional Authorities, 2009–11*, NCJ 243904, January 2014
- *Survey of Sexual Violence in Adult Correctional Facilities, 2009–11 – Statistical Tables*, NCJ 244227, 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. Doris J. James is the acting director.

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