



Prison Rape Elimination Act of 2003

PREA Data Collection Activities, 2017

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 that the review and analysis shall be based on a random sample, or other scientifically appropriate sample of not less than 10% of all prisons, and a representative sample of municipal prisons.

In 2016, 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 the incidence of prison rape. BJS has developed a multiple-measure, multiple-mode data collection strategy to fully implement requirements under PREA.

DATA COLLECTIONS AND DEVELOPMENT ACTIVITIES DURING 2016 AND 2017

The **National Survey of Youth in Custody (NSYC)** provides facility-level estimates of youth reporting sexual victimization in juvenile facilities. To collect this information, the youth use audio computer-assisted self-interviewing (ACASI) technology with a touchscreen-enabled laptop and an audio feed to maximize confidentiality of responses and minimize literacy issues. The first NSYC (NSYC-1) was conducted from June 2008 to April 2009, and the second (NSYC-2) was conducted from February 2012 to September 2012. The third data collection (NSYC-3) will begin in late 2017.

In previous surveys, a large number of juveniles have been interviewed, including more than 9,000 during 2008-09 in 195 facilities and 8,700 in 2012 in 326 facilities. These surveys have found that juveniles have high rates of sexual victimization (9.5% in 2012) when compared to incarcerated adults in prisons (4.0% during 2011-12) and jails (3.2% during 2011-12). Because of these higher rates of sexual victimization, NSYC-3 will be the first in the series of upcoming PREA collections to be conducted by BJS in 2017 since the release of the PREA standards in 2012. In addition to ranking facilities as required under the act, NSYC-3 will measure the impact of the PREA standards and other efforts on the prevalence of sexual victimization, type of incidents, reporting behaviors of victims, and response by correctional staff when incidents occur.

In June 2016, BJS released *Facility-level and Individual-level Correlates of Sexual Victimization in Juvenile Facilities, 2012* (NCJ 249877, BJS web), which used NSYC-2 data to examine how the environment of a juvenile facility impacts youth sexual victimization. The report also considered critical youth-level predictors. Overall, facilities with higher rates of sexual assault housed more youth who had submitted written complaints against staff, did not have enough staff to monitor the facility,

and had higher levels of gang fights. However, the report found that a juvenile's individual characteristics—including victimization history, sex, gender, and offense history—were more important than facility factors in predicting sexual victimization.

Among facility-level findings—

- Rates of youth-on-youth sexual assault in female-only juvenile facilities (5.3%) were more than three times greater than those in male-only facilities (1.5%).
- Youth-on-youth sexual assault was lowest (1.1%) in facilities where almost all youth in the facility reported that they first learned sexual assault was not allowed within the first 24 hours of arrival.
- Youth-on-youth sexual assault was most prevalent (4.5%) when facilities had a high concentration of youth with histories of sexual abuse (24.0% or more of youth), a concentration of lesbian, gay, or bisexual (LGB) youth (5.0% in facilities with 18% or more of LGB youth), and a greater-than-average proportion of youth held for violent sexual assault (3.3%).
- Sexual assault by another youth (4.0%) was more common in facilities that held greater concentrations of youth with a history of psychiatric conditions (76% or more of youth).
- Staff sexual misconduct was reported by 5.9% of youth in facilities with multiple living units, compared to 2.1% of youth in facilities with single units.
- Staff sexual misconduct was most prevalent in detention centers (7.4%) and training/long-term secure facilities (7.3%). It was lowest in residential treatment centers (3.1%) and nonstate-operated facilities (3.1%).

- In male-only juvenile facilities, 5.7% of youth reported staff sexual misconduct, compared to 1.4% in female-only facilities.
- Facilities with a change in staffing levels during the previous 12 months (7.1%) had higher rates of staff sexual misconduct than facilities with no change (3.1%).
- Rates of staff sexual misconduct were highest in facilities where youth perceived the facility staff to be unfair (10.3%), youth had the fewest positive perceptions of staff (9.7%), and youth worried about physical assault by other youth (8.2%) or staff (11.2%).
- In facilities where the majority of youth reported gang fights, the rate of staff sexual misconduct (10.6%) was more than double the facility average (5.2%).

In preparation for NSYC-3, BJS engaged in the following activities during 2016-17 to assess the prior NSYC-1 and NSYC-2 surveys and to develop new items:

- From January to April 2016, BJS conducted an item-by-item assessment of the NSYC-1 and NSYC-2 questionnaires to determine the basis for additional items and revisions to past items in the sexual victimization and facility characteristics surveys.
- In April 2016, BJS convened a national workshop of juvenile correctional facilities' administrators and other stakeholders (as required under Section 4 of PREA) to solicit their views on potential revisions for the next data collection.
- In April 2016, BJS issued a competitive solicitation to obtain a collection agent through a cooperative agreement to administer the NSYC-3. It was awarded to Westat (Rockville, MD) in August 2016.
- In August 2016, BJS conducted a cognitive test of new and revised items in the NSYC-3 survey among 20 youth in three state-operated facilities. A total of 68 questions were tested.
- In August and November 2016, BJS also tested new items on sexual orientation, sexual preference, and gender identity. Given the higher rates of sexual victimization reported by lesbian, gay, and bisexual (LGB) youth in previous NSYC surveys, these tests were designed to further refine the questions and response items. The tests were conducted with 20 male and female adjudicated youth in three juvenile correctional facilities during the cognitive test if time permitted, and with 15 youth not held in a facility who were lesbian, gay, bisexual, and transgender (LGBT) or had a close family member or friend who were LGBT.
- In October and November 2016, BJS completed an expert review of the facility characteristics survey with members of the Council of Juvenile Correctional Administrators (CJCA). Expert reviewers from seven states reviewed the wording of the questions and provided feedback

on their ability to provide the data being requested by the survey. Additional input on measures related to the use of restrictive housing were obtained from CJCA's PREA committee.

- In April 2017, BJS conducted a pilot test of the NSYC-3 collection protocols and revised survey instruments. The test was completed in six facilities with 150 completed youth interviews and six completed facility surveys.
- In May 2017, BJS conducted a cognitive test of the youth survey's Spanish language version. This test, which represents the final test before national collection, was conducted in two state-operated juvenile facilities that held a large number of Spanish-speaking youth.
- National data collection is scheduled to begin in late 2017 once the survey has been approved by the Office of Management and Budget. The first report from NSYC-3 is expected in early 2019.

The **National Inmate Survey (NIS)** gathers data on the prevalence and incidence of sexual assault in adult prisons and local jails as reported by inmates. The 2007 NIS (NIS-1) completed 63,817 interviews, the 2008-09 NIS (NIS-2) completed 81,566 interviews, and the 2011-12 NIS (NIS-3) completed 92,449 interviews. Inmates have been interviewed using ACASI technology with a touchscreen-enabled laptop and an audio feed to maximize inmate confidentiality and minimize literacy issues.

The act requires BJS to provide a listing of prison and jail institutions "ranked according to the incidence of prison rape in each institution" (P.L. 108-79). Past NIS collections show that prisoners have higher rates of sexual victimization than jail inmates. In NIS-3, 4.0% of state and federal prisoners reported having experienced some type of sexual victimization perpetrated by another inmate (2.0%) or staff (2.4%). In comparison, 3.2% of jail inmates reported some type of sexual victimization that was perpetrated by another inmate (1.6%) or staff (1.8%).

BJS determined that the NIS-4 will be administered separately in prison and jail facilities. Data collection in state and federal prisons will occur in 2018-19, followed by data collection in local jails in 2019-20. Although separate collections are a result of funding constraints, they will provide BJS with the opportunity to modify the data collection protocols and questionnaires to address differences between prisons and jails in the types of inmates housed and the circumstances surrounding their victimization.

In preparation for the NIS-4 prisons survey, BJS convened a national workshop in April 2016 to solicit views of correctional administrators and ensure that the NIS-4 will maximize data quality and minimize burden on sampled facilities. Participants reviewed key findings from prior NIS surveys, addressed alternative sampling designs for NIS-4, suggested improvements to the sexual victimization surveys, and commented on a draft facility characteristics survey.

Since the April 2016 workshop, BJS has completed an assessment of all aspects of the NIS-3 survey and begun work on the design of the next survey. Completed tasks include development of—

- an optimal sample design that will provide both reliable estimates for sampled prison facilities and the ability to measure change from past NIS collections. Sampling objectives included estimating the sexual victimization rates among (1) female inmates with similar or better precision than past NIS studies; (2) inmates who have ever been told that they have a serious psychological disorder (SPD), with similar precision to past NIS studies; and (3) juveniles held in adult facilities despite their declining numbers in prison.
- a revised sexual victimization questionnaire, including items designed to capture detailed characteristics of the most recent incident by type of victimization. New items have been established to measure the relationships between victims and perpetrators, prior to and after the incidents occurred; steps inmates have taken to reduce their chances of being victimized in the future; and impact on the victim and perpetrator as a result of reporting the incident.
- a revised alternative questionnaire that will be administered to a random sample of selected inmates (10% of the NIS-4 sample) to provide greater confidentiality and anonymity protections for survey respondents. The questionnaire includes items on family structure, past employment, exposure to violence before age 18, current conditions of confinement, daily activities, work assignments, involvement in fights, measures of facility safety, and program participation.
- a web-administered supplemental facility survey, which has been designed to measure the extent to which facilities are in compliance with PREA standards and other facility characteristics that may co-vary with sexual victimization. Items include custody levels, staff characteristics, staff turnover, background checks, and inmate misconduct.

In May 2017, BJS issued a competitive solicitation to obtain a collection agent through a cooperative agreement to administer the NIS-4 prisons collection. Before implementing the survey in 2018-19, BJS will cognitively test all new or revised survey items, conduct an expert review of the facility characteristics survey, and pilot test all survey instruments and data collection protocols.

Throughout 2017, BJS will continue to conduct stakeholder outreach activities to redesign the NIS-4 jails collection. A national workshop for jail administrators and sheriffs is planned for the late summer of 2017. Pending sufficient funding in FY 2018, BJS expects to issue a competitive solicitation to obtain a data collection agent through a cooperative agreement to conduct a cognitive test and pretest and administer the NIS-4 jails collection nationwide in 2019-20.

The **Survey of Sexual Victimization (SSV)**, formerly known as the Survey of Sexual Violence, collects data annually from administrative records on incidents of sexual victimization in adult and juvenile correctional facilities. The first of a series of data collections implemented to meet PREA mandates, this collection began in 2004. The survey includes measures of five different types of sexual victimization and is administered to a sample of at least 10% of all correctional facilities covered under PREA. It gathers information on allegations and substantiated incidents that occur each calendar year.

The administrative records surveys provide a basis for the annual statistical review required under PREA. The surveys include all federal and state prison systems and facilities operated by the U.S. military and Immigration and Customs Enforcement (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-owned or -operated juvenile facilities and a representative sample of locally and privately operated juvenile facilities.

During 2016-17, BJS and the U.S. Census Bureau completed data collection for the 2015 reference year. BJS received data from the Federal Bureau of Prisons, 49 state departments of corrections, and all state juvenile justice agencies. Among the 700 sampled local jails, five refused to or did not respond to the survey. Among the 291 sampled privately operated prisons and jails, adult jails in Indian country, and facilities operated by the U.S. military or ICE, five refused or did not respond. Among the 549 sampled local or privately operated juvenile facilities and juvenile facilities in Indian country, six refused or did not respond. Overall, the 2015 SSV achieved a 99% response rate from agencies and sampled facilities known to be in operation at the time of the survey.

Results from the SSV for adult prisons and jails and facilities operated by the U.S. military and ICE are expected to be released by yearend 2017. Results for state juvenile facilities and local or privately operated juvenile facilities are expected to be released by yearend 2018.

UPCOMING REPORT IN 2017

- *Sexual Victimization Reported by Adult Correctional Authorities, 2012–14* (September 2017)

PREVIOUSLY RELEASED REPORTS

- *Facility-level and Individual-level Correlates of Sexual Victimization in Juvenile Facilities, 2012*, NCJ 249877, June 2016
- *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



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 and valid 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. Jeri M. Mulrow is acting director.

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