



Prison Rape Elimination Act of 2003

PREA Data-Collection Activities, 2019

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 2018, 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 fully implement requirements under PREA, BJS has developed a data-collection strategy involving multiple measures and modes.

DATA COLLECTIONS AND DEVELOPMENT ACTIVITIES DURING 2018 AND 2019

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 also minimizes literacy issues by simultaneously providing the youth with an audio feed of the question being read.

The first NSYC (NSYC-1) was conducted from June 2008 to April 2009 and the second (NSYC-2) from February 2012 to September 2012. The NSYC-1 included more than 9,000 youth from 195 juvenile facilities, and the NSYC-2 included 8,700 youth from 326 facilities. These surveys found that juveniles in 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) and jails (3.2% during 2011-12).¹

In October 2017, the Office of Management and Budget (OMB) approved full nationwide implementation of the survey’s third iteration (NSYC-3). The NSYC-3 is the first NSYC conducted since the PREA standards were released in 2012. In addition to ranking facilities as required under the act, the NSYC-3 measures the impact of the PREA standards on the prevalence of sexual

victimization, types of incidents occurring in facilities, reporting behaviors of victims, and responses by facility staff when incidents occur.

For the 2018 NSYC-3 data-collection activities—

- The universe from which the NSYC-3 sample was selected included all (1) adjudicated youth² residing in facilities owned or operated by a state juvenile correctional authority and (2) state-placed adjudicated youth held under state contract in locally or privately operated juvenile facilities.
- For state facilities, the universe was restricted to facilities that housed youth for at least 90 days, contained more than 25% adjudicated youth, and housed at least 10 adjudicated youth. For private facilities, all youth in privately owned or operated contract facilities met the criteria for inclusion as long as at least one youth was placed there by the state.
- Based on the above criteria, 332 juvenile facilities were eligible for participation in the 2018 reference year.
- Of the 332 eligible facilities, 129 granted *in loco parentis* (ILP) consent. ILP is when administrators provide consent—in the place of the parent—to contact youth. An additional 150 facilities required

¹For adult data, see *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12* (NCJ 241399, BJS web, May 2013).

²Analogous to an adult “conviction,” adjudication is a formal finding by the juvenile court, after a hearing or the entering of a guilty plea/admission, that the juvenile has committed the act for which he or she is charged. See <https://njdc.info/juvenile-court-terminology/>.

parental or guardian consent (PGC) to allow youth to participate in the survey, and 53 facilities used a passive consent process or a hybrid ILP/PGC consent process. Youth in all facilities also had to assent to participate in the interview. If youth refused to participate, they were not interviewed.

- The NYSC-3 sampled 12,362 youth from the 332 eligible facilities. The 54.6% response rate (6,748 youths completing the survey) was comparable to the NSYC-1 (54%) and the NSYC-2 (59%), which were conducted in 2008-09 and 2012, respectively.
- Data collection for the NYSC-3 occurred from March through December 2018.

NSYC-3 data are undergoing review. The first report from the NSYC-3, *Sexual Victimization in Juvenile Facilities Reported by Youth, 2018*, will include the facility rankings and is scheduled for release in the summer of 2019. BJS is also planning future reports that will examine incidents of youth sexual victimization in greater detail.

BJS and its data-collection agent for the NSYC-3, Westat (Rockville, MD), will release the report *Assessing the Informed-Assent Procedure for the National Survey of Youth in Custody (NSYC)*, which will outline the assent protocol developed and implemented in the NSYC-1 and NSYC-2 to ensure that youth understood the core elements of the survey. The protocol consisted of an interviewer reading scripted text to each youth and assessing comprehension based on responses to questions about the nature of participation and study procedures (for example, voluntary participation and confidentiality of the responses). This research examined how often youth understood the assent process.

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 prisoners and jail inmates. The survey uses ACASI technology with a touchscreen-enabled laptop to maximize prisoner and jail inmate confidentiality and 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. BJS decided to administer the fourth wave separately in prisons and jails, so NIS-4 will collect data in state and federal prisons during 2020 and in local jails during 2020-21.

Both the prison and jail 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 corrections officials; (3) an alternative questionnaire, randomly administered to 5% to 10% of the inmate sample, via ACASI in English or Spanish; and (4) an abridged version of the sexual victimization questionnaire, administered via paper and pencil, for prisoners and jail inmates who cannot be brought to the interview room physically due to medical or security reasons.

NIS-4 Prisons

BJS and its data-collection agent on the NIS-4 Prisons, RTI International (Research Triangle Park, NC), have prepared for this collection by—

- conducting expert review of the prison facility questionnaire with representatives from the Federal Bureau of Prisons (BOP), state departments of corrections (DOCs), and private prison operators to determine whether the agencies can provide the requested information without undue burden. That expert review was used to improve and finalize the instrument. BJS and RTI will use data collected in the facility questionnaire to analyze facility- and individual-level correlates to sexual victimization once data collection is complete.
- cognitively testing a new set of items planned for the core ACASI instrument with prisoners at the South Carolina DOC. These items will measure parental involvement during the respondent's adolescence.
- translating the core ACASI instrument into Spanish and completing computer programming of both versions of the instruments. The alternative questionnaire was also programmed, and testing of the English instrument has begun. Testing of the Spanish instrument is forthcoming.
- reviewing and finalizing the content of the paper-and-pencil interview (PAPI).

In October 2018, BJS and RTI reached out to each of the 50 state DOCs and the BOP to verify their contact information and operational status and to collect facility population counts from confinement facilities holding prisoners, to define the eligible universe. In December 2018, RTI 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. RTI will continue to develop within-facility sampling specifications and

protocols for administering the survey in preparation for the pilot test, which is scheduled for late summer of 2019.

This year, BJS has received funding to increase the number of facilities in the NIS-4 Prisons sample so that more precise estimates can be made from the survey. In April 2019, the sample frame for the NIS-4 Prisons was finalized, facilities were identified for the pilot test, and the final sample of facilities for the main survey was drawn. This summer, BJS expects to complete the activities required to obtain OMB approval for the full implementation of national data-collection activities, with collection scheduled to begin in March 2020, for the 2020 reference year.

NIS-4 Jails

In fiscal year 2018, BJS made a competitive award to Westat to administer the NIS-4 Jails collection. In January 2019, BJS and Westat identified survey goals, priorities, and initial tasks, including—

- identifying the universe of eligible jail facilities
- developing a sample design that will provide reliable estimates for sampled jail facilities and be able to measure change from past NIS collections
- cognitively testing the Spanish version of the core ACASI instrument, which was developed for the NIS-4 Prisons and NIS-4 Jails collections.

Before implementing the NIS-4 Jails, BJS will develop, cognitively test, and pilot-test the survey instrument and protocols in selected jail facilities. BJS anticipates national data collection to begin in fall of 2020, for the 2020-21 reference period.

The **Survey of Sexual Victimization (SSV)** 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 that occur each calendar year, to generate facility-level estimates of sexual victimization. The survey measures five types of sexual victimization. BJS uses uniform definitions to classify each criminal sexual act by the perpetrator (prisoner, jail inmate, or staff) and the type of act. BJS has conducted data collection since 2004. In 2013, BJS added and modified certain definitions to align with PREA standards promulgated in May 2012 for recording information in prisons and jails.

The SSV is administered to a sample of at least 10% of all correctional facilities covered under PREA. BJS meets the act's annual reporting mandate in part through the SSV.

During 2017-18, BJS completed data collection for the 2016 reference year. On behalf of BJS, the U.S. Census Bureau mailed survey forms to correctional administrators in the BOP, state prison systems, private prison facilities, public and private jails, jails in Indian country, facilities operated by the U.S. military and by Immigration and Customs Enforcement, and locally or privately operated juvenile facilities. As in previous years, administrators completed the forms via PDF or a web-based interface. Data collection began on June 15, 2017, and was completed on January 19, 2018.

For the 2016 reference year, 1,579 facilities were selected for inclusion in the survey. The 2016 SSV achieved a 95.6% response rate from agencies and sampled facilities known to be in operation at that time. Response rates exceeded 90% among both adult (96.7%) and juvenile (93.7%) facilities.

Data collection for the 2017 reference year was initiated in October 2018 and was completed in April 2019. Data collection for the 2018 reference year will begin in August 2019 and is expected to be completed by January 2020. In September 2018, OMB gave BJS 3-year approval to conduct the SSV through September 2021. Findings for juvenile facilities during the 2013 to 2017 period, and for adult facilities during the 2015 to 2018 period, are expected to be released in future reports.

BJS is implementing two improvements to the SSV data-collection process to reduce data-entry burden and increase data quality. These improvements include—

- enhanced functionality that lets facilities upload PDFs to the web rather than restricting submissions to scanned versions of print surveys. This improved web application also enables the editing of data submissions. Once the responding facility uploads the data in the PDF, the facility can review the submitted data and make edits if needed.
- expanded data fields to capture more detailed information about substantiated incidents involving more than two victims or perpetrators. The expanded data fields will enable the SSV to collect information from each respondent on up to 15 victims, 8 inmate perpetrators, and 8 staff perpetrators. Previously, information on three or more victims or perpetrators could be collected only in the Notes section of the incident record.

UPCOMING REPORTS IN 2019

- *Assessing the Informed Assent Procedure for the National Survey of Youth in Custody (NSYC)*
- *Sexual Victimization in Juvenile Facilities Reported by Youth, 2018*
- *Survey of Sexual Victimization in Adult Correctional Facilities, 2012-15 - Statistical Tables*
- *Sexual Victimization Reported by Juvenile Correctional Authorities, 2013-16*

PREVIOUSLY RELEASED REPORTS

- *Sexual Victimization Reported by Adult Correctional Authorities, 2012-15, NCJ 251146, July 2018*
- *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 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 the director.

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June 2019, NCJ 252833



NCJ 252833

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