



Prison Rape Elimination Act of 2003

PREA Data Collection Activities, 2021

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 2020, 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 2020 AND 2021

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

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 justice 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).

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).

- During 2020, the Office of Justice Programs’ Review Panel on Prison Rape chose three facilities identified with high rates of victimization and two facilities with low rates to participate in forthcoming public hearings.⁵ 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.”⁶
- During 2020 and the first half of 2021, BJS continued to analyze the NSYC-3 data and released a series of supplementary reports in response to PREA. The reports also aid the work of the Review Panel on Prison Rape and other stakeholders. These publications include—
 - *Sexual Victimization Reported by Youth in Juvenile Facilities, 2018 – Supplemental Tables* (NCJ 254892, BJS, June 2020). These supplemental tables present data on youth reporting sexual victimization, youth-on-youth incidents, and staff sexual misconduct in juvenile justice facilities with high rates of victimization.
 - *Victim, Perpetrator, and Incident Characteristics of Sexual Victimization of Youth in Juvenile Facilities, 2018 – Statistical Tables* (NCJ 255446, BJS, November 2020). Highlights from this publication include—
 - A higher percentage of male (6.1%) than female (2.9%) youth reported staff sexual misconduct.
 - A higher percentage of female (4.7%) than male (1.6%) youth reported youth-on-youth victimization.
 - In the most serious incidents of staff sexual misconduct reported during the interview period, an estimated 91% of incidents involved only female staff, while 6% involved only male staff.

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

⁵See Office of Justice Programs. (2020). Review panel: Hearings. <https://www.ojp.gov/program/review-panel/hearings>.

⁶See 34 U.S.C. § 30303.

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. The NIS-4 is expected to be administered during 2022 in two separate data collections: one for prisons and one for jails.

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. 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 2022.

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 2018 reference year was initiated in 2019 and completed in 2020. BJS distributed the SSV questionnaires to the Federal Bureau of Prisons (BOP), state prison systems, private prison facilities, public and private jails, state juvenile justice systems, jails in Indian country, a central reporter for each branch of the U.S. military, facilities operated by U.S. Immigration and Customs Enforcement, and locally or privately operated juvenile justice facilities. As in previous years, administrators completed the forms via PDF or a web-based interface. Data collection continued without substantial interruption during the COVID-19 pandemic, with no noticeable effect on response rates from the previous year. The response rate for the BOP, state prison systems, and state juvenile justice systems was 100%. Eighty-two percent of sampled local jails, 83% of locally or privately operated juvenile justice facilities, and 87% of other adult correctional facilities responded to the survey.

Data collection for the 2019 reference year was initiated in 2020 and completed in 2021. The response rates for the BOP, state prison systems, and state juvenile justice systems was 100%. As of May 10, 2021, 90% of sampled local jails, 90% of locally or privately operated juvenile justice facilities, and 91% of other adult correctional facilities responded to the survey.

Upon receipt of Office of Management and Budget approval for conducting the 2020, 2021, and 2022 SSV, data collection for the 2020 reference year will begin late summer 2021 and is expected to be completed by early spring 2022. BJS has continued to implement improvements to the SSV data collection process to increase data quality, improve response rates, and reduce data entry burden. These improvements include—

- updating the definition section on the data collection forms to provide clarification on the reporting of attempted nonconsensual sexual acts
- implementing a web-first approach to data submission for the 2019 data collection cycle (87% submitted their forms by web in the 2019 collection, up from 60% in the 2018 collection)
- creating a longitudinal data file to enable comparison of data over the collection years and for archival purposes.

During the second half of 2020 and first half of 2021, BJS analyzed data from the SSV summary data forms and released a series of reports. These publications include—

- *Sexual Victimization Reported by Adult Correctional Authorities, 2016-2018* (NCJ 255356, BJS, June 2021). Findings from this publication include—
 - Correctional administrators reported 27,826 allegations of sexual victimization in 2018, a 14% increase from the 24,514 reported in 2015.
 - The overall rate of allegations in prisons increased 8%, from 12.5 per 1,000 inmates in 2015 to 13.5 per 1,000 in 2018, while the rate reported by jail administrators rose 48% during the same period (from 8.0 to 11.9).
 - In 2018, 18,884 allegations of sexual victimization were reported by prisons (68%) and 8,651 were reported by jails (31%). By comparison, in 2015 about 76% of sexual victimization allegations were reported by prisons and 24% were reported by jails.
 - Of the 27,826 allegations of sexual victimization in 2018, about 45% were perpetrated by other inmates and 55% by staff. Among the 1,673 substantiated incidents, about 58% were perpetrated by other inmates and 42% by staff.
 - In 2018, the rate of substantiated incidents of sexual victimization in adult correctional facilities was 0.8 per 1,000 inmates.
 - Correctional administrators reported 9,861 allegations and 1,199 substantiated incidents of inmate-on-inmate sexual harassment in 2018.
- *Sexual Victimization Reported by Juvenile Justice Authorities, 2013-2018* (NCJ 300029, BJS, June 2021). Findings from this publication include—
 - Juvenile justice administrators reported 2,467 allegations of sexual victimization in 2018, an 89% increase from the 1,306 reported in 2013.
 - From 2013 to 2016, state juvenile systems (up 117%) and local and private facilities (up 115%) saw their rates of allegations of sexual victimization more than double. These increases can be partly attributed to juvenile justice authorities' response to the 2012 release of the National Standards to Prevent, Detect, and Respond to Prison Rape.

- From 2016 to 2018, there was a 32% increase in the rate of allegations in state systems (from 81.3 to 107 allegations per 1,000), while the rate in local and private facilities remained stable (30.7 per 1,000 youth in 2016 and 33.4 per 1,000 in 2018).
- Youth made a total of 12,060 allegations from 2013 to 2018, more than half (52%) of which were allegedly perpetrated by staff.
- In 2018, juvenile justice authorities substantiated 321 incidents of sexual victimization.
- During the 6-year period of 2013-18, about 8 in 10 (77%) completed investigations into youth-on-youth sexual victimization and 9 in 10 (92%) into staff-on-youth sexual victimization found the allegations were unsubstantiated or unfounded.
- In 2018, juvenile justice administrators reported 1,225 allegations of youth-on-youth sexual harassment, 305 of which were substantiated.
- *Survey of Sexual Victimization in Adult Correctional Facilities, 2012-2018 – Statistical Tables* (NCJ 252836, BJS, June 2021). These statistical tables present jurisdiction-level counts of allegations and substantiated incidents of inmate-on-inmate and staff-on-inmate sexual victimization reported by the BOP, all 50 state prison systems, and large local jail jurisdictions.

PREVIOUSLY RELEASED REPORTS

- *Sexual Victimization Reported by Adult Correctional Authorities, 2016-2018*, NCJ 255356, June 2021
- *Sexual Victimization Reported by Juvenile Justice Authorities, 2013-2018*, NCJ 300029, June 2021
- *Survey of Sexual Victimization in Adult Correctional Facilities, 2012-2018 – 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, 2018 – Supplemental Tables*, 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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