



Prison Rape Elimination Act of 2003

PREA Data Collection Activities, 2018

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 2017, 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 and -mode data collection strategy to implement requirements under PREA.

DATA COLLECTIONS AND DEVELOPMENT ACTIVITIES DURING 2017 AND 2018

The **Survey of Sexual Victimization (SSV)**, formerly known as the Survey of Sexual Violence, is an administrative data collection based on official records and conducted by BJS since 2004. The survey measures five different types of sexual victimization. BJS uses uniform definitions to classify each sexual act by the perpetrator (inmate or staff) and the type of act. In 2013, BJS added or modified the definitions to align with the PREA standards that were promulgated in May 2012.

The SSV 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 SSV is one way in which BJS is meeting the annual reporting mandate of PREA.

During 2016-17, BJS and the U.S. Census Bureau completed data collection for the 2015 reference year. On behalf of BJS, the U.S. Census Bureau mailed survey forms to correctional administrators in the Federal Bureau of Prisons, state prison systems, private prison facilities, public and private jails, jails in Indian country, and facilities operated by the U.S. military and by Immigration and Customs Enforcement (ICE). Administrators completed the forms on paper via a fillable PDF or as a web-based survey.

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. In July 2018, BJS will release *Sexual Victimization Reported by Adult Correctional Authorities, 2012-15* (NCJ 251146, BJS web).

Among the findings—

- Correctional administrators reported 24,661 allegations of sexual victimization in 2015, nearly triple the number recorded in 2011 (8,768 allegations).
- Most of the increase in allegations was due to an increase in unfounded or unsubstantiated allegations. (Unfounded allegations are those in which an investigation determined that an event did not occur. Unsubstantiated allegations are those in which an investigation concluded that evidence was insufficient to determine whether an event occurred.)
- The sharp rise in unfounded or unsubstantiated allegations of sexual victimization coincided with the release of the National Standards to Prevent, Detect, and Respond to Prison Rape in 2012. It reflects improvements in data collection and reporting by correctional authorities, and increased reporting of allegations by inmates.
- Substantiated allegations rose from 902 in 2011 to 1,473 in 2015 (up 63%). (Substantiated allegations are those in which an investigation determined that an event occurred, based on a preponderance of the evidence.)

- Among the 24,661 allegations of sexual victimization in 2015, a total of 1,473 were substantiated, 10,142 were unfounded, 10,313 were unsubstantiated, and 2,733 were still under investigation.
- In 2014, unfounded allegations (8,372) exceeded unsubstantiated allegations (7,783) for the first time in SSV data collection. Prior to 2014, more allegations were unsubstantiated than were unfounded.
- The number of substantiated incidents of sexual victimization in local and private jails more than doubled, from 284 in 2011 to 576 in 2015 (up 103%). In comparison, the number of substantiated incidents in federal prisons rose from 605 to 873 (up 44%).
- In 2015, 58% of substantiated incidents were perpetrated by inmates, while 42% were perpetrated by staff members, versus 56% by inmates and 44% by staff members in 2011.
- In 2015, there were 295 substantiated inmate-on-inmate nonconsensual sexual acts (the most serious inmate-on-inmate victimization), down from 308 in 2014 but up from 241 in 2012.
- From 2013-15, there were an estimated 15,875 allegations of inmate-on-inmate sexual harassment, of which 2,426 were substantiated. (Inmate-on-inmate sexual harassment was first measured in 2013, and is not included in the victimization totals cited above.)

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 inmates. Inmates have been interviewed using audio computer-assisted self-interview (ACASI) technology with a touchscreen-enabled laptop and an audio feed to maximize inmate confidentiality and minimize literacy issues.

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. PREA 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

(2.0% perpetrated by another inmate and 2.4% by staff).¹ 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.

In preparation for the NIS-4 Prisons and NIS-4 Jails collections, BJS engaged in the following activities during 2017-18:

- In June 2017, BJS issued a competitive solicitation to obtain a data collection agent through a cooperative agreement to administer the NIS-4 Prisons collection. It was awarded to RTI International (Research Triangle Park, NC) in October 2017.
- In preparation for the NIS-4 Jails collection, BJS convened a national workshop of sheriffs, jail administrators, and other stakeholders (as required under Section 4 of PREA) in September of 2017 to solicit their views on potential revisions for the next round of data collection and to ensure that the NIS-4 Jails collection will maximize data quality and minimize burden on sampled facilities.

Since the workshop, BJS has completed an assessment of all aspects of the NIS-3 collection and begun work on the design of the national implementation of the NIS-4 Jails collection.

Completed tasks include the development of an optimal sample design that will provide both reliable estimates for sampled jail facilities and the ability to measure change from past NIS collections.

The sampling objectives include—

- estimating the 2019 overall sexual victimization rates for the three outcomes of interest (any sexual victimization, inmate-on-inmate sexual victimization, and staff sexual misconduct) with similar precision to past NIS studies
- determining whether the sexual victimization rates have changed since the NIS-3 collection
- estimating the sexual victimization rates among female inmates with similar or better precision than past NIS studies

¹Estimates do not sum to total because inmates may report a victimization by a staff member, a victimization by a fellow inmate, or multiple victimizations by staff or inmate(s).

- enabling the estimation of sexual victimization rates by facility characteristics (e.g., facility size, staffing levels) with reasonable precision.

Additional completed tasks include the development of a—

- revised sexual victimization questionnaire, including items to capture detailed characteristics of the most recent incident by type of victimization, including items that measure—
 - relationships between victims and perpetrators (whether other inmates or staff members) to better understand the interactions that occur leading up to and after the incidents
 - steps inmates have taken to reduce their chances of being victimized in the future and the impact on the victim and perpetrator as a result of reporting the incident.
- revised alternative questionnaire that will be administered to a random sample of selected inmates (5% to 10% of the NIS-4 Jails sample) to provide greater confidentiality and anonymity for survey respondents. The questionnaire includes items on life and childhood experiences; facility characteristics and conditions; facility rules; infractions and altercations within facilities; experiences with restrictive housing; inmate's participation in drug use, drug treatment, and mental health programs; and reentry and post-release plans.
- supplemental jail facility survey to measure the extent to which facilities comply with PREA standards and other facility characteristics that may co-vary with sexual victimization. Items include type of supervision, the mental health caseload, management practices, inmate management philosophy, and measures of the structure and continuum of security within the facility.

In January 2018, BJS received approval from the Office of Management and Budget (OMB) to conduct a cognitive test of new and revised items in the NIS-4 Prisons and Jails surveys. A total of 49 questions were tested. During February, April, and May 2018, a total of 45 interviews were conducted with adult respondents who were recently released from prison or jail and

currently incarcerated inmates in two jails. BJS issued a competitive solicitation in April of 2018 to obtain a collection agent through a cooperative agreement to administer the NIS-4 Jails collection. BJS anticipates making this award in the summer of 2018.

Before implementing the NIS-4 Prisons and NIS-4 Jails collections in 2019-20, BJS will cognitively test all new or revised survey items, conduct expert reviews of the facility characteristics surveys, and pilot test all survey instruments and data collection protocols in selected facilities.

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 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 from February 2012 to September 2012. In October 2017, BJS received OMB approval for the full national implementation of NSYC-3.

After receiving OMB clearance, Westat (Rockville, MD), the data collection agent for the NSYC-3, and BJS engaged in numerous activities:

- In November 2017, state- and facility-level recruitment began in juvenile confinement facilities deemed eligible for the study.
- In January 2018, Westat developed new training manuals and materials to train field interviewers and began recruiting and hiring field interviewers.
- In March 2018, a production visit was completed in one state to verify the operation of all collection protocols and data-transfer systems, and extensive web-based and on-site training was conducted for all field staff.

Data collection began in April 2018 and will continue through the summer and into early fall. At the time of publication, data collection will be complete in more than a third of the sampled facilities. The first report from NSYC-3 is expected in 2019.

UPCOMING REPORTS IN 2018

- *Sexual Victimization Reported by Adult Correctional Authorities, 2012-15*
- *Sexual Victimization Reported by Juvenile Correctional Authorities, 2012-15*
- *Survey of Sexual Violence in Juvenile Correctional Facilities, 2012-15 - Statistical Tables*

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 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 Jessica Stroop. Stephanie Mueller verified the report.

Eric Hendrixson and Jill Thomas edited the report. Tina Dorsey produced the report.

June 2018, NCJ 251672



NCJ251672

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