



Prison Rape Elimination Act of 2003

PREA Data Collection Activities, 2015

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. The act 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 2014, 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 ANALYSES DURING 2014 AND 2015

The **Survey of Sexual Victimization (SSV)**, formerly known as the Survey of Sexual Violence, collects data annually from administrative records on the incidence 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 collects additional detail on the characteristics of substantiated incidents of sexual victimization.

The administrative records surveys provide a basis for the annual statistical review required under PREA. The surveys include all federal and state prison systems, as well as 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.

Results from the SSV for juvenile facilities are expected in September 2015.

BJS published two reports in January 2014: *Sexual Victimization Reported by Adult Correctional Authorities, 2009–11* (NCJ 243904) and *Survey of Sexual Violence in Adult Correctional Facilities, 2009–11 - Statistical Tables* (NCJ 244227).

Among the findings—

- Administrators of adult correctional facilities reported 8,763 allegations of sexual victimization in 2011, a statistically significant increase over the 8,404 allegations reported in 2010 and 7,855 in 2009.
- The number of allegations has risen since 2005, largely due to increases in prisons, where allegations increased from 4,791 allegations to 6,660 in 2011 (up 39%).
- In 2011, 902 allegations of sexual victimization (10%) were substantiated (i.e., determined to have occurred upon investigation).
- State prison administrators reported 537 substantiated incidents of sexual victimization in 2011, up 17% from 459 in 2005.
- About 52% of substantiated incidents of sexual victimization in 2011 involved only inmates, while 48% of substantiated incidents involved staff with inmates.
- Injuries were reported in about 18% of incidents of inmate-on-inmate sexual victimization and in less than 1% of incidents of staff sexual victimizations.
- Females committed more than half of all substantiated incidents of staff sexual misconduct and a quarter of all incidents of staff sexual harassment.

During 2014, BJS modified the SSV, implemented changes for the 2013 collection year, and successfully completed the 2013 collection. BJS—

- revised the SSV definitions to synchronize the language with the PREA standards (while preserving the ability to measure long-term trends)
- added sexual harassment by another inmate as another category of sexual victimization (to be consistent with the PREA standards, 28 C.F.R. Part 115)
- added new response categories and expanded existing categories to reduce responses reported in the “other, specify” category
- added transgender and intersex as gender categories (for gender identity of victim)
- expanded the sample of local and privately operated juvenile facilities (from 330 to 530) to improve the precision of annual estimates.

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. The inmates use audio computer-assisted self-interviewing (ACASI) technology with a laptop touchscreen and an audio feed to maximize inmate confidentiality and minimize literacy issues. The first NIS (NIS-1) was conducted in 2007; the second (NIS-2), in 2008–09; and the third (NIS-3), in 2011–12.

The NIS-3 was conducted in 233 state and federal prisons, 358 local jails, and 15 special confinement facilities operated by Immigration and Customs Enforcement (ICE), the U.S. Military, and correctional authorities in Indian country. A total of 92,449 inmates age 18 or older participated in the survey, including 38,251 prison inmates, 52,926 jail inmates, 573 ICE detainees, 539 inmates in military facilities, and 160 inmates in Indian country facilities. The survey was also administered to 527 juveniles ages 16 to 17 held in state prisons and 1,211 juveniles ages 16 to 17 in local jails.

The first report from NIS-3 was issued in May 2013: *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011–12* (NCJ 241399). During 2014, BJS issued additional tabulations for this report—*Supplemental Tables: Prevalence of Sexual Victimization among Transgender Adult Inmates*. By combining results from NIS-1, NIS-2, and NIS-3, BJS was able for the first time to provide accurate estimates of the rates of sexual victimization among transgender inmates.

Among the findings—

- An estimated 35% of transgender inmates held in prisons and 34% held in local jails reported experiencing one or more incidents of sexual victimization by another inmate or facility staff in the past 12 months or since admission, if less than 12 months.
- About a quarter of transgender inmates in prisons (24%) and jails (23%) reported an incident involving another inmate. Nearly three-quarters (74%) said the incidents involved oral, anal, vaginal penetration, hand jobs, or other nonconsensual sexual acts.
- When asked about the experiences surrounding their victimization by other inmates, 72% said they experienced force or threat of force and 29% said they were physically injured.
- Transgender inmates reported high levels of staff sexual misconduct in prisons (17%) and jails (23%). Most transgender inmates who had been victimized reported that the staff sexual misconduct was unwilling (75%), and that they experienced force or threat of force (51%) or were pressured by staff (66%) to engage in the sexual activity.
- Among those victimized by staff, more than 40% of transgender inmates in prison and jails said they had been physically injured by the staff perpetrator.

The **National Survey of Youth in Custody (NSYC)** provides facility-level estimates of youth reporting sexual victimization in juvenile facilities. The first NSYC (NSYC-1) was conducted between June 2008 and April 2009, and the second (NSYC-2) was conducted between February 2012 and September 2012.

The NSYC-2 was conducted in 273 state-owned or -operated juvenile facilities and 53 locally or privately operated facilities that held adjudicated youth under state contract. The survey was completed by 8,707 adjudicated youth sampled from at least one facility in every state and the District of Columbia.

BJS released the first report from NSYC-2 in June 2013: *Sexual Victimization in Juvenile Facilities Reported by Youth, 2012* (NCJ 241708). During 2014, BJS and Westat (the NSYC data collection agent) initiated further analyses of the NSYC-2 data to identify the key contextual and individual factors related to youth sexual victimization. Analyses of the NSYC-2 Facility Survey examine the impact of facility and staff sizes, staff and youth composition, staff screening methods, and security measures. BJS will derive additional measures of facility-level characteristics from the youth self-reports. These measures will include facility assault

rates, fear of assault in the facility, attitudes of youth toward staff, gang activity in the facility, and the nature and extent of inappropriate staff behavior with youth. The second report will include a multilevel analysis of the relationships among facility and housing unit characteristics, youth-level risk factors, and self-reported sexual victimization.

During 2014, BJS and RTI International (the NIS data collection agent) also initiated further analyses of the NIS-3 data. Similar to the analyses of sexual victimization in juvenile facilities, this work explores facility-level predictors of inmate-on-inmate and staff-on-inmate sexual victimization. The analyses draw on facility-level data from past BJS prison facility censuses, the American Correctional Association's annual facility directory, and information from the rosters provided by each facility sampled in the NIS-3 collection. In addition, key facility composition and climate measures are derived from the NIS-3 inmate survey responses. BJS will issue a second report from NIS-3 that describes the contextual circumstances surrounding sexual victimization and provides a multilevel analysis of

the relationships between facility- and individual-level characteristics and self-reported sexual victimization.

In addition to providing a fuller understanding of sexual victimization in adult and juvenile correctional facilities, the ongoing contextual research is mandated under PREA, in Sec. 4c(3). The act requires the Attorney General to—

use established statistical methods to adjust the data as necessary to account for differences among institutions in the representative sample, which are not related to the detection, prevention, reduction and punishment of prison rape, or which are outside the control of the State, prison, or prison system, in order to provide an accurate comparison among prisons. Such differences may include the mission, security level, size, and jurisdiction under which the prison operates.

When released in 2016, the adult and juvenile facility reports will address the differences and examine facility- and individual-level variations after these differences have been statistically controlled.

BJS RECEIVES 2014 POLICY IMPACT AWARD

On May 17, 2014, BJS and its contractors, RTI International, Westat, NORC at the University of Chicago, and the U.S. Census Bureau, received the 2014 Policy Impact Award from the American Association for Public Opinion Research (AAPOR) at its 69th Annual Conference in Anaheim, California. AAPOR is the leading association of survey research professionals. The Policy Impact Award acknowledges that a key purpose of opinion and other survey research is to facilitate better informed decisions. AAPOR selected the PREA team for its outstanding work developing a state-of-the-art multiple-measure, multiple-mode approach that relied on both victim self-report surveys and administrative records.

When the U.S. Congress passed PREA, it required BJS to measure sexual victimization in correctional facilities. At the time, there was little agreement on a methodology that would generate accurate estimates. Both inmate self-reports of sexual victimization and administrative documents from prisons and jails were considered high risk for both overreporting and underreporting of incidents.

The BJS-led team actively reached out to all stakeholders as it developed protocols, measurement strategies, and reporting criteria. The team established definitions of sexual victimization that would hold true for each survey and facility; addressed complex concerns, such as protecting respondents from retaliation by other inmates or facility staff; set statistical standards for defining high-rate facilities; and developed a plan for disseminating the findings.

The 14 separate reports on prison rape released by BJS since 2004 have been extensively covered by the media, researchers, and public interest groups at the local, state, and national level. The award citation states—

The findings, and their extensive publicity, have triggered special investigations by governors and state legislatures and immediate changes in policies and plans of action. Findings from the project are now cited extensively in the training received by correctional administrators on how to prevent and respond to prison rape. Without these data, national standards for best practices to eliminate rape and other related violence among prisoners could not have been promulgated.

UPCOMING REPORTS IN 2015

- *Sexual Victimization Reported by Juvenile Correctional Authorities, 2007–12* (September 2015).
- *Survey of Sexual Violence in Juvenile Correctional Facilities, 2007–12 - Statistical Tables* (September 2015).

PREVIOUSLY RELEASED REPORTS

- *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. William J. Sabol is director.

This report was written by Allen J. Beck, Ph.D., BJS statistician. Ramona Rantala verified the report.

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