



Prison Rape Elimination Act of 2003

PREA Data Collection Activities, 2012

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 percent of all prisons, and a representative sample*

of municipal prisons. In 2011, more than 7,600 correctional facilities nationwide were covered by the Act. The Act requires the Attorney General to submit a report, *not later than June 30 of each year*, listing institutions in the sample and ranking 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 DURING 2011 AND 2012

National Former Prisoner Survey (NFPS) provided the first-ever national estimates of the prevalence of sexual victimization based on reports of former state prison inmates. The report, *Sexual Victimization Reported by Former State Prisoners, 2008*, was released in May 2012. It was based on 18,526 completed interviews with former inmates under active supervision in 333 randomly selected parole offices nationwide.

Unlike previous BJS surveys of inmates in state and federal correctional facilities, the NFPS collected data on the totality of the prior term of incarceration, including any time in a local jail, state prison, or community correctional facility prior to final discharge. Because the survey was based on a sample of parole offices and not a sample of prisons, the NFPS was not conducive to providing facility estimates or rankings.

The NFPS was designed to encourage a fuller reporting of victimization by surveying only former inmates, who were not subject to the immediate risk of retaliation from perpetrators or a code of silence while in prison. As a result, the NFPS may have elicited reports of incidents that were unreported in previous BJS surveys of prisoners. At the same time, the NFPS collects only allegations of sexual victimization, and some allegations may be untrue. Because participation in the survey is anonymous and reports are confidential, the survey does not permit any follow-up investigation or substantiation of reported incidents through review. The relative extent of under reporting and false reporting in the NFPS is unknown.

The NFPS interviews, which averaged 23 minutes in length, were conducted using computer-assisted personal interviewing (CAPI) and audio computer-assisted self-interviewing (ACASI) data collection methods. Survey interviewers initiated the personal interview using CAPI to obtain demographic and criminal history information. For the remainder of the interview, respondents interacted with

a computer-administered questionnaire using a touch-screen and synchronized audio instructions delivered via headphones. Respondents completed the survey in private at the parole office (or satellite office), with the interviewer in the room but unable to see the computer screen.

Among the findings—

- An estimated 9.6% of former state prisoners reported one or more incidents of sexual victimization during the most recent period of incarceration in a jail, prison, and post-release community-treatment facility.
- Among all former state prisoners, 1.8% reported experiencing one or more incidents while in a local jail, 7.5% while in a state prison, and 0.1% while in a post-release community-treatment facility.
- Although the rate of sexual victimization in state prison reported by former inmates (7.5%) was higher than the rate reported by inmates in previous BJS surveys (4.8% in 2008-09), the difference may reflect longer exposure periods (39.4 months and 7.9 months, respectively).
- About 5.4% of former state prisoners reported an incident involving another inmate, and 5.3% reported an incident involving facility staff.
- An estimated 1.2% of former prisoners reported that they unwillingly had sex or sexual contact with facility staff, and 4.6% reported that they “willingly” had sex or sexual contact with staff.
- More than three-quarters of all reported staff sexual misconduct involved a male inmate with female staff.
- Among former state prisoners, the rate of inmate-on-inmate sexual victimization was at least three times higher for females (13.7%) than males (4.2%).

- Among heterosexual males, an estimated 3.5% reported being sexually victimized by another inmate. In comparison, among males who were bisexual, 34% reported being sexually victimized by another inmate. Among males who were homosexual or gay, 39% reported being victimized by another inmate.
- Rates of sexual victimization did not vary based on commonly cited characteristics of facilities, including size or age of facility, crowding, inmate-to-staff ratios, or gender composition of staff.
- Among male former inmates, inmate-on-inmate and staff-on-inmate victimization rates were higher in facilities under a court order or consent decree, in facilities reporting a major disturbance in the 12 months prior to the most recent facility census, in facilities with medium or greater security levels, and in facilities with a primary function of housing general population than rates in facilities without these characteristics.
- Among female former inmates, rates of inmate-on-inmate victimization were lower in community corrections centers, in facilities that permitted 50% or more of their inmates to leave unaccompanied during the day, in minimum or low security facilities, and in privately operated facilities than in facilities without these characteristics.
- Following their release from prison, 72% of victims of inmate-on-inmate sexual victimization indicated they felt shame or humiliation, and 56% said they felt guilt. Seventy-nine percent of unwilling victims of staff sexual misconduct said they felt shame or humiliation, and 72% said they felt guilt.

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. The report, *Sexual Victimization in Juvenile Facilities Reported by Youth, 2008-09*, was released in January 2010. It was based on 9,198 completed interviews with adjudicated youth in 166 state facilities and 29 large locally or privately operated facilities.

The second collection (NSYC-2) is underway and will be completed by September 2012. Based on feedback from juvenile administrators and experts in investigating allegations of child abuse and neglect, BJS modified the survey. NSYC-2 included new items to measure the accuracy of youth self-reports and new items to more fully understand staff sexual misconduct. BJS also developed methods to enhance response rates and expanded the sample to include youth held in smaller facilities and facilities under contract to state juvenile correctional authorities. Another new component of NSYC-2 is the collection of information about each facility and living unit. NSYC-2 will collect data on facility staffing, use of video surveillance, characteristics of youth held, and factors related to placement of youth in different living units within the facility.

Field operations for the NSYC-2, including recruitment, Institutional Review Board processing, and site visit planning, began in July 2011. Interviewing of youth began in February 2012.

When the data collection is completed, BJS expects to have conducted more than 11,000 interviews in 338 juvenile facilities. NSYC-2 will provide national estimates, facility-level estimates for large facilities, and state-level estimates.

National Inmate Survey (NIS) gathers data on the prevalence and incidence of sexual assault in adult prisons and local jail facilities, as reported by inmates. The inmates use ACASI technology with a laptop touch screen and an audio feed to maximize inmate confidentiality and minimize literacy issues. The first NIS (NIS-1) was conducted in 2007, producing two reports: *Sexual Victimization in State and Federal Prisons Reported by Inmates, 2007* and *Sexual Victimization in Local Jails Reported by Inmates, 2007*. The second NIS (NIS-2) was conducted between October 2008 and December 2009, producing a combined prison and jail report: *Sexual Victimization in Prisons and Jails Reported by Inmates, 2008-09*.

NIS-2 was conducted in 167 state and federal prisons, 286 local jails, and 10 special correctional facilities (operated by Immigration and Customs Enforcement (ICE), Indian tribes, or the U.S. Armed Services). A total of 81,566 inmates participated in the survey, including 32,029 prison inmates, 48,066 jail inmates, 957 ICE detainees, 399 inmates in facilities operated by the U.S. Armed Services, and 115 inmates in Indian country facilities.

Rates of alleged sexual victimization were unchanged between NIS-1 and NIS-2. In NIS-2, an estimated 4.4% of prison inmates and 3.1% of jail inmates reported experiencing one or more incidents of sexual victimization by another inmate or facility staff in the past 12 months or since admission to the facility, if less than 12 months. In NIS-1, 4.5% of prisoners and 3.2% of jail inmates reported having been sexually victimized.

BJS used the NIS-2 to provide more in-depth analyses of different types of victimization, inmate risk factors, and circumstances surrounding victimization. To address PREA requirements, BJS identified facilities as having high or low rates based on each type of victimization, and statistical criteria applied to the lower and upper bounds of confidence intervals associated with the survey estimates.

Data collection for the third NIS collection (NIS-3) was completed in May 2012. BJS modified the survey design to provide the first national-level estimates of sexual victimization for inmates under age 18 in prisons and jails. The survey was also modified to include measures of mental and physical health, as well as indicators of facility safety and security. The first NIS-3 report, expected in January 2013, will provide facility estimates and rankings as required under PREA.

Survey of Sexual Violence (SSV) collects data annually on the incidence of sexual violence in adult and juvenile correctional facilities. This administrative records collection, the first of a series of data collections implemented to meet PREA mandates, began in 2004. The surveys include measures of four different types of sexual victimization, and it is administered to a sample of at least 10% of all correctional facilities covered under the Act. Additional detail is collected on the characteristics of substantiated incidents of sexual violence.

The administrative records surveys provide a basis for the annual statistical review required under the Act. The surveys include all federal and state prison systems, as well as facilities operated by the U.S. Armed Services and 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 operated juvenile facilities and a representative sample of locally and privately operated juvenile facilities.

The report, *Sexual Victimization Reported by Adult Correctional Authorities, 2007-2008*, was released in January 2011. Results from the SSV for juvenile facilities are expected in October 2012 and from the SSV for adult facilities in December 2012.

Clinical Indicators of Sexual Violence in Custody (CISVC) was conducted during 2010 and 2011. In collaboration with the National Institute of Justice (NIJ) and the Centers for Disease Control and Prevention (CDC), BJS conducted a feasibility study using medical indicators and medical surveillance methodologies. As part of routine medical practice, medical staff in 19 prisons and 11 jails completed a surveillance form for adult male inmates who either made an allegation of sexual violence or displayed any of five clinical conditions (i.e., unexplained rectal bleeding; rectal or anal tears or fissures; bruises, scratches, or abrasions on buttocks; genital bruising; or nipple injuries). Data collected in the CISVC include victim age, height, weight, and race/Hispanic origin; a general injury assessment; a mental health assessment; and follow-up information. Results of the 12-month pilot study are expected in 2012.

UPCOMING REPORTS IN 2012

- *Sexual Victimization Reported by Juvenile Correctional Authorities, 2007-09* (October 2012).
- *Sexual Victimization Reported by Adult Correctional Authorities, 2009* (December 2012).

PREVIOUSLY RELEASED REPORTS

- *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 is the statistics agency of the U.S. Department of Justice. James P. Lynch is the director.

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