



Implementing the Prison Rape Elimination Act in Juvenile Facilities

– *An Update of Activities at the Bureau of Justice
Statistics, October 2009*

Paige M. Harrison, Statistician
Allen J. Beck, Senior Statistical Advisor
Bureau of Justice Statistics

BJS/JRSA National Conference
St. Louis, MO
October 22, 2009

Prison Rape Elimination Act of 2003

- Requires BJS to
 - “carry out, for each calendar year, a comprehensive statistical report and analysis of the incidence and effects of prison rape”
 - to sample “not less than 10 percent of all federal, State, and county prisons, a representative sample of municipal prisons”
 - “shall use surveys and other statistical studies of current and former inmates”



Prison Rape Elimination Act of 2003

- Not later than June 30 of each year, ... shall submit a report ... with respect to prison rape, for the preceding calendar year”
- “The report shall include ... a listing of those institutions ... ranked according to the incidence of prison rape in each institution.”
- “a listing of any prisons ... that did not cooperate with the survey”



PREA Juvenile Surveys

■ Administrative survey - SSV

- Survey of Sexual Violence – 50 state departments of juvenile corrections and sample of private and locally operated facilities

■ Personal Interviews- NSYC

- National Survey of Youth in Custody – sample including state departments of juvenile corrections, privately and locally operated facilities – adjudicated youth only



Rates of substantiated incidents higher in juvenile facilities than in adult prisons or jails

	Rate per 1,000 youth/inmates	
	Allegations	Substantiated
Juvenile facilities, 2005-06	16.7	3.0
State prisons, 2006	3.8	0.46
Local jails, 2006	2.1	0.52



57% of allegations in 2005-06 involved youth-on-youth incidents

Incident type*	National estimate	Percent
U.S. total	4,072	100 %
Youth-on-youth nonconsensual sexual acts	1,451	35.6
Youth-on-youth abusive sexual contacts	861	21.1
Staff sexual misconduct	1,314	32.3
Staff sexual harassment	446	11.0



1 in 5 allegations of sexual violence in 2005-06 were substantiated (732 incidents)

	All facilities	
	Number	Percent
Youth-on-youth		
Substantiated	437	21 %
Unsubstantiated	845	40
Unfounded	803	38
Investigation ongoing	83	
Staff-on-youth		
Substantiated	295	18 %
Unsubstantiated	573	35
Unfounded	751	46
Investigation ongoing	155	



National Survey of Youth in Custody

■ Challenges

- Parental consent
- Mandatory reporting of abuse and neglect
- Protecting confidentiality
- Use of clear language to obtain 3 objectives while minimizing re-traumatization -
 - ◆ *Has the youth had any sexual contact since admission?
(distinctions for specific actions)*
 - ◆ *With whom did the contact occur?*
 - ◆ *Was it done willingly?*



Survey items comprising the NCSA and ASC composite measures

The most serious incidents, nonconsensual sexual acts, include:

6 screener items (rubbed penis/vagina with hand, mouth on penis/vagina; insertion)

With physical force, threat of physical force; other force or pressure; in return for money, favors, protection or other special treatment

The less serious incidents, abusive sexual contacts, include:

Other sexual contacts only (kissing on lips/other parts of body; looking at private parts; showing dirty pictures; something else that did/did not involve touching)



Composite measures that define sexual victimization

Elements defining sexual victimization

	Youth-on-youth	Staff-on-youth
Willing		X
Not willing	X	X



Survey of Youth in Custody – Pretest Results

- 2 waves of testing: 3 facilities (2 states) and 9 facilities (4 states) with 750 completed interviews
- 62% response rate (46% in facilities requiring active consent)
- In facilities requiring parental consent (46% no consent; 4% refusal after assent; break-off, 1%; failed qualification questions 0.2%; youth discharged, 0.5%)
 - Difficulties in getting in touch with parents (60%); lack of update information from facility (wrong numbers, disconnected, no number, postmaster return, late roster entry)
 - 8% of parents refused



PSYC – Prevalence Rates by Type of Contact

- All non-consensual sexual contact – 20% (se – 1.6%)
 - Sexual contact with coercion – 13% (1.3)
 - With another youth – 7% (1.0)
 - With staff member – 8% (1.0)
 - Staff contact without reported coercion – 8% (1.1)
- Sexual contact with coercion, adjusted for outliers/inconsistencies – 7%
 - Extreme answers (e.g., more than 1 assault per day since admission)
 - Rushing through the instrument (completed in less than 20 minutes with reported assault)
 - Logical inconsistencies (e.g., males reporting vaginal contact with another youth in all male facility; high assessment of environment and report of forced sex)



National Survey of Youth in Custody, 2008-09

- 197 facilities visited; 9,200 completed interviews
 - Must hold adjudicated youth for at least 90 days
 - Must have at least 25% adjudicated youth (at least 10 held in state facilities, 150 in locally/privately operated)
 - All state facilities with at least 90 youth included with certainty
 - At least one facility from each state and DC



Assessing Measurement Error

- Self reports are allegations of sexual victimization:
 - Reports are anonymous.
 - The study cannot follow-up to conduct an investigation.
- Self reports are subject to error for different reasons:
 - Comprehension or recall problems.
 - Deliberate over- and under-reporting
 - Initial analysis will examine - problems with survey process; inconsistent or extreme responses



Outlier analysis

- Completion of survey in too short a time
- Reported number of forced sexual contacts excessive
- Reported sexual victimization questions were difficult to understand
- Consistency of reporting
 - Illogical dates or personal information (weight/height)
 - Report an event, then say it happened zero times
- Threshold for exclusion
 - Conservative – don't want to exclude real reports



Issues under examination for December report

- Ranking facilities
 - Identifying the “highest” and “lowest”
 - Confidentiality threshold for reporting (size, number of interviews, number of reports)
 - ILP or PGC considerations
 - Male/female differences

