

## **Attachments**

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**Attachment 1**

Public Law 108-79

PUBLIC LAW 108-79—SEPT. 4, 2003

PRISON RAPE ELIMINATION ACT OF 2003

117 STAT. 972

PUBLIC LAW 108-79—SEPT. 4, 2003

Public Law 108-79  
108th Congress

An Act

Sept. 4, 2003  
[S. 1435]

Prison Rape  
Elimination Act  
of 2003.  
45 USC 15601  
note.

To provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Prison Rape Elimination Act of 2003”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purposes.
- Sec. 4. National prison rape statistics, data, and research.
- Sec. 5. Prison rape prevention and prosecution.
- Sec. 6. Grants to protect inmates and safeguard communities.
- Sec. 7. National Prison Rape Reduction Commission.
- Sec. 8. Adoption and effect of national standards.
- Sec. 9. Requirement that accreditation organizations adopt accreditation standards.
- Sec. 10. Definitions.

42 USC 15601.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) 2,100,146 persons were incarcerated in the United States at the end of 2001: 1,324,465 in Federal and State prisons and 631,240 in county and local jails. In 1999, there were more than 10,000,000 separate admissions to and discharges from prisons and jails.

(2) Insufficient research has been conducted and insufficient data reported on the extent of prison rape. However, experts have conservatively estimated that at least 13 percent of the inmates in the United States have been sexually assaulted in prison. Many inmates have suffered repeated assaults. Under this estimate, nearly 200,000 inmates now incarcerated have been or will be the victims of prison rape. The total number of inmates who have been sexually assaulted in the past 20 years likely exceeds 1,000,000.

(3) Inmates with mental illness are at increased risk of sexual victimization. America’s jails and prisons house more mentally ill individuals than all of the Nation’s psychiatric hospitals combined. As many as 16 percent of inmates in State prisons and jails, and 7 percent of Federal inmates, suffer from mental illness.

(4) Young first-time offenders are at increased risk of sexual victimization. Juveniles are 5 times more likely to be sexually

assaulted in adult rather than juvenile facilities—often within the first 48 hours of incarceration.

(5) Most prison staff are not adequately trained or prepared to prevent, report, or treat inmate sexual assaults.

(6) Prison rape often goes unreported, and inmate victims often receive inadequate treatment for the severe physical and psychological effects of sexual assault—if they receive treatment at all.

(7) HIV and AIDS are major public health problems within America's correctional facilities. In 2000, 25,088 inmates in Federal and State prisons were known to be infected with HIV/AIDS. In 2000, HIV/AIDS accounted for more than 6 percent of all deaths in Federal and State prisons. Infection rates for other sexually transmitted diseases, tuberculosis, and hepatitis B and C are also far greater for prisoners than for the American population as a whole. Prison rape undermines the public health by contributing to the spread of these diseases, and often giving a potential death sentence to its victims.

(8) Prison rape endangers the public safety by making brutalized inmates more likely to commit crimes when they are released—as 600,000 inmates are each year.

(9) The frequently interracial character of prison sexual assaults significantly exacerbates interracial tensions, both within prison and, upon release of perpetrators and victims from prison, in the community at large.

(10) Prison rape increases the level of homicides and other violence against inmates and staff, and the risk of insurrections and riots.

(11) Victims of prison rape suffer severe physical and psychological effects that hinder their ability to integrate into the community and maintain stable employment upon their release from prison. They are thus more likely to become homeless and/or require government assistance.

(12) Members of the public and government officials are largely unaware of the epidemic character of prison rape and the day-to-day horror experienced by victimized inmates.

(13) The high incidence of sexual assault within prisons involves actual and potential violations of the United States Constitution. In *Farmer v. Brennan*, 511 U.S. 825 (1994), the Supreme Court ruled that deliberate indifference to the substantial risk of sexual assault violates prisoners' rights under the Cruel and Unusual Punishments Clause of the Eighth Amendment. The Eighth Amendment rights of State and local prisoners are protected through the Due Process Clause of the Fourteenth Amendment. Pursuant to the power of Congress under Section Five of the Fourteenth Amendment, Congress may take action to enforce those rights in States where officials have demonstrated such indifference. States that do not take basic steps to abate prison rape by adopting standards that do not generate significant additional expenditures demonstrate such indifference. Therefore, such States are not entitled to the same level of Federal benefits as other States.

(14) The high incidence of prison rape undermines the effectiveness and efficiency of United States Government expenditures through grant programs such as those dealing with health care; mental health care; disease prevention; crime prevention, investigation, and prosecution; prison construction,

maintenance, and operation; race relations; poverty; unemployment and homelessness. The effectiveness and efficiency of these federally funded grant programs are compromised by the failure of State officials to adopt policies and procedures that reduce the incidence of prison rape in that the high incidence of prison rape—

(A) increases the costs incurred by Federal, State, and local jurisdictions to administer their prison systems;

(B) increases the levels of violence, directed at inmates and at staff, within prisons;

(C) increases health care expenditures, both inside and outside of prison systems, and reduces the effectiveness of disease prevention programs by substantially increasing the incidence and spread of HIV, AIDS, tuberculosis, hepatitis B and C, and other diseases;

(D) increases mental health care expenditures, both inside and outside of prison systems, by substantially increasing the rate of post-traumatic stress disorder, depression, suicide, and the exacerbation of existing mental illnesses among current and former inmates;

(E) increases the risks of recidivism, civil strife, and violent crime by individuals who have been brutalized by prison rape; and

(F) increases the level of interracial tensions and strife within prisons and, upon release of perpetrators and victims, in the community at large.

(15) The high incidence of prison rape has a significant effect on interstate commerce because it increases substantially—

(A) the costs incurred by Federal, State, and local jurisdictions to administer their prison systems;

(B) the incidence and spread of HIV, AIDS, tuberculosis, hepatitis B and C, and other diseases, contributing to increased health and medical expenditures throughout the Nation;

(C) the rate of post-traumatic stress disorder, depression, suicide, and the exacerbation of existing mental illnesses among current and former inmates, contributing to increased health and medical expenditures throughout the Nation; and

(D) the risk of recidivism, civil strife, and violent crime by individuals who have been brutalized by prison rape.

### SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) establish a zero-tolerance standard for the incidence of prison rape in prisons in the United States;

(2) make the prevention of prison rape a top priority in each prison system;

(3) develop and implement national standards for the detection, prevention, reduction, and punishment of prison rape;

(4) increase the available data and information on the incidence of prison rape, consequently improving the management and administration of correctional facilities;

(5) standardize the definitions used for collecting data on the incidence of prison rape;

(6) increase the accountability of prison officials who fail to detect, prevent, reduce, and punish prison rape;

(7) protect the Eighth Amendment rights of Federal, State, and local prisoners;

(8) increase the efficiency and effectiveness of Federal expenditures through grant programs such as those dealing with health care; mental health care; disease prevention; crime prevention, investigation, and prosecution; prison construction, maintenance, and operation; race relations; poverty; unemployment; and homelessness; and

(9) reduce the costs that prison rape imposes on interstate commerce.

**SEC. 4. NATIONAL PRISON RAPE STATISTICS, DATA, AND RESEARCH.** 42 USC 15603.

(a) ANNUAL COMPREHENSIVE STATISTICAL REVIEW.—

(1) IN GENERAL.—The Bureau of Justice Statistics of the Department of Justice (in this section referred to as the “Bureau”) shall carry out, for each calendar year, a comprehensive statistical review and analysis of the incidence and effects of prison rape. The statistical review and analysis shall include, but not be limited to the identification of the common characteristics of—

(A) both victims and perpetrators of prison rape; and

(B) prisons and prison systems with a high incidence of prison rape.

(2) CONSIDERATIONS.—In carrying out paragraph (1), the Bureau shall consider—

(A) how rape should be defined for the purposes of the statistical review and analysis;

(B) how the Bureau should collect information about staff-on-inmate sexual assault;

(C) how the Bureau should collect information beyond inmate self-reports of prison rape;

(D) how the Bureau should adjust the data in order to account for differences among prisons as required by subsection (c)(3);

(E) the categorization of prisons as required by subsection (c)(4); and

(F) whether a preliminary study of prison rape should be conducted to inform the methodology of the comprehensive statistical review.

(3) SOLICITATION OF VIEWS.—The Bureau of Justice Statistics shall solicit views from representatives of the following: State departments of correction; county and municipal jails; juvenile correctional facilities; former inmates; victim advocates; researchers; and other experts in the area of sexual assault.

(4) SAMPLING TECHNIQUES.—The review and analysis under paragraph (1) 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. The selection shall include at least one prison from each State. The selection of facilities for sampling shall be made at the latest practicable date prior to conducting the surveys and shall not be disclosed to any facility or prison system official prior to the time period studied in the survey. Selection of a facility for sampling during any



year shall not preclude its selection for sampling in any subsequent year.

Confidentiality.

(5) **SURVEYS.**—In carrying out the review and analysis under paragraph (1), the Bureau shall, in addition to such other methods as the Bureau considers appropriate, use surveys and other statistical studies of current and former inmates from a sample of Federal, State, county, and municipal prisons. The Bureau shall ensure the confidentiality of each survey participant.

(6) **PARTICIPATION IN SURVEY.**—Federal, State, or local officials or facility administrators that receive a request from the Bureau under subsection (a)(4) or (5) will be required to participate in the national survey and provide access to any inmates under their legal custody.

(b) **REVIEW PANEL ON PRISON RAPE.**—

(1) **ESTABLISHMENT.**—To assist the Bureau in carrying out the review and analysis under subsection (a), there is established, within the Department of Justice, the Review Panel on Prison Rape (in this section referred to as the “Panel”).

(2) **MEMBERSHIP.**—

(A) **COMPOSITION.**—The Panel shall be composed of 3 members, each of whom shall be appointed by the Attorney General, in consultation with the Secretary of Health and Human Services.

(B) **QUALIFICATIONS.**—Members of the Panel shall be selected from among individuals with knowledge or expertise in matters to be studied by the Panel.

(3) **PUBLIC HEARINGS.**—

(A) **IN GENERAL.**—The duty of the Panel shall be to carry out, for each calendar year, public hearings concerning the operation of the three prisons with the highest incidence of prison rape and the two prisons with the lowest incidence of prison rape in each category of facilities identified under subsection (c)(4). The Panel shall hold a separate hearing regarding the three Federal or State prisons with the highest incidence of prison rape. The purpose of these hearings shall be 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.

(B) **TESTIMONY AT HEARINGS.**—

(i) **PUBLIC OFFICIALS.**—In carrying out the hearings required under subparagraph (A), the Panel shall request the public testimony of Federal, State, and local officials (and organizations that represent such officials), including the warden or director of each prison, who bears responsibility for the prevention, detection, and punishment of prison rape at each entity, and the head of the prison system encompassing such prison.

(ii) **VICTIMS.**—The Panel may request the testimony of prison rape victims, organizations representing

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such victims, and other appropriate individuals and organizations.

(C) SUBPOENAS.—

(i) ISSUANCE.—The Panel may issue subpoenas for the attendance of witnesses and the production of written or other matter.

(ii) ENFORCEMENT.—In the case of contumacy or refusal to obey a subpoena, the Attorney General may in a Federal court of appropriate jurisdiction obtain an appropriate order to enforce the subpoena.

(c) REPORTS.—

(1) IN GENERAL.—Not later than June 30 of each year, the Attorney General shall submit a report on the activities of the Bureau and the Review Panel, with respect to prison rape, for the preceding calendar year to—

Deadline.

(A) Congress; and

(B) the Secretary of Health and Human Services.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) with respect to the effects of prison rape, statistical, sociological, and psychological data;

(B) with respect to the incidence of prison rape—

(i) statistical data aggregated at the Federal, State, prison system, and prison levels;

(ii) a listing of those institutions in the representative sample, separated into each category identified under subsection (c)(4) and ranked according to the incidence of prison rape in each institution; and

(iii) an identification of those institutions in the representative sample that appear to have been successful in deterring prison rape; and

(C) a listing of any prisons in the representative sample that did not cooperate with the survey conducted pursuant to section 4.

(3) DATA ADJUSTMENTS.—In preparing the information specified in paragraph (2), the Attorney General shall 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. For each such adjustment made, the Attorney General shall identify and explain such adjustment in the report.

(4) CATEGORIZATION OF PRISONS.—The report shall divide the prisons surveyed into three categories. One category shall be composed of all Federal and State prisons. The other two categories shall be defined by the Attorney General in order to compare similar institutions.

(d) CONTRACTS AND GRANTS.—In carrying out its duties under this section, the Attorney General may—

(1) provide grants for research through the National Institute of Justice; and

(2) contract with or provide grants to any other entity the Attorney General deems appropriate.

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(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$15,000,000 for each of fiscal years 2004 through 2010 to carry out this section.

42 USC 15604.

**SEC. 5. PRISON RAPE PREVENTION AND PROSECUTION.**

(a) INFORMATION AND ASSISTANCE.—

Establishment.

(1) NATIONAL CLEARINGHOUSE.—There is established within the National Institute of Corrections a national clearinghouse for the provision of information and assistance to Federal, State, and local authorities responsible for the prevention, investigation, and punishment of instances of prison rape.

(2) TRAINING AND EDUCATION.—The National Institute of Corrections shall conduct periodic training and education programs for Federal, State, and local authorities responsible for the prevention, investigation, and punishment of instances of prison rape.

(b) REPORTS.—

Deadline.

(1) IN GENERAL.—Not later than September 30 of each year, the National Institute of Corrections shall submit a report to Congress and the Secretary of Health and Human Services. This report shall be available to the Director of the Bureau of Justice Statistics.

(2) CONTENTS.—The report required under paragraph (1) shall summarize the activities of the Department of Justice regarding prison rape abatement for the preceding calendar year.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$5,000,000 for each of fiscal years 2004 through 2010 to carry out this section.

42 USC 15605.

**SEC. 6. GRANTS TO PROTECT INMATES AND SAFEGUARD COMMUNITIES.**

(a) GRANTS AUTHORIZED.—From amounts made available for grants under this section, the Attorney General shall make grants to States to assist those States in ensuring that budgetary circumstances (such as reduced State and local spending on prisons) do not compromise efforts to protect inmates (particularly from prison rape) and to safeguard the communities to which inmates return. The purpose of grants under this section shall be to provide funds for personnel, training, technical assistance, data collection, and equipment to prevent and prosecute prisoner rape.

(b) USE OF GRANT AMOUNTS.—Amounts received by a grantee under this section may be used by the grantee, directly or through subgrants, only for one or more of the following activities:

(1) PROTECTING INMATES.—Protecting inmates by—

(A) undertaking efforts to more effectively prevent prison rape;

(B) investigating incidents of prison rape; or

(C) prosecuting incidents of prison rape.

(2) SAFEGUARDING COMMUNITIES.—Safeguarding communities by—

(A) making available, to officials of State and local governments who are considering reductions to prison budgets, training and technical assistance in successful methods for moderating the growth of prison populations without compromising public safety, including successful methods used by other jurisdictions;

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(B) developing and utilizing analyses of prison populations and risk assessment instruments that will improve State and local governments' understanding of risks to the community regarding release of inmates in the prison population;

(C) preparing maps demonstrating the concentration, on a community-by-community basis, of inmates who have been released, to facilitate the efficient and effective—

(i) deployment of law enforcement resources (including probation and parole resources); and

(ii) delivery of services (such as job training and substance abuse treatment) to those released inmates;

(D) promoting collaborative efforts, among officials of State and local governments and leaders of appropriate communities, to understand and address the effects on a community of the presence of a disproportionate number of released inmates in that community; or

(E) developing policies and programs that reduce spending on prisons by effectively reducing rates of parole and probation revocation without compromising public safety.

(c) GRANT REQUIREMENTS.—

(1) PERIOD.—A grant under this section shall be made for a period of not more than 2 years.

(2) MAXIMUM.—The amount of a grant under this section may not exceed \$1,000,000.

(3) MATCHING.—The Federal share of a grant under this section may not exceed 50 percent of the total costs of the project described in the application submitted under subsection (d) for the fiscal year for which the grant was made under this section.

(d) APPLICATIONS.—

(1) IN GENERAL.—To request a grant under this section, the chief executive of a State shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may require.

(2) CONTENTS.—Each application required by paragraph (1) shall—

(A) include the certification of the chief executive that the State receiving such grant—

(i) has adopted all national prison rape standards that, as of the date on which the application was submitted, have been promulgated under this Act; and

(ii) will consider adopting all national prison rape standards that are promulgated under this Act after such date;

(B) specify with particularity the preventative, prosecutorial, or administrative activities to be undertaken by the State with the amounts received under the grant; and

(C) in the case of an application for a grant for one or more activities specified in paragraph (2) of subsection (b)—

(i) review the extent of the budgetary circumstances affecting the State generally and describe how those circumstances relate to the State's prisons;

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(ii) describe the rate of growth of the State's prison population over the preceding 10 years and explain why the State may have difficulty sustaining that rate of growth; and

(iii) explain the extent to which officials (including law enforcement officials) of State and local governments and victims of crime will be consulted regarding decisions whether, or how, to moderate the growth of the State's prison population.

(e) **REPORTS BY GRANTEE.**—

Deadline.

(1) **IN GENERAL.**—The Attorney General shall require each grantee to submit, not later than 90 days after the end of the period for which the grant was made under this section, a report on the activities carried out under the grant. The report shall identify and describe those activities and shall contain an evaluation of the effect of those activities on—

(A) the number of incidents of prison rape, and the grantee's response to such incidents; and

(B) the safety of the prisons, and the safety of the communities in which released inmates are present.

(2) **DISSEMINATION.**—The Attorney General shall ensure that each report submitted under paragraph (1) is made available under the national clearinghouse established under section 5.

(f) **STATE DEFINED.**—In this section, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated for grants under this section \$40,000,000 for each of fiscal years 2004 through 2010.

(2) **LIMITATION.**—Of amounts made available for grants under this section, not less than 50 percent shall be available only for activities specified in paragraph (1) of subsection (b).

42 USC 15606.

**SEC. 7. NATIONAL PRISON RAPE REDUCTION COMMISSION.**

(a) **ESTABLISHMENT.**—There is established a commission to be known as the National Prison Rape Reduction Commission (in this section referred to as the “Commission”).

(b) **MEMBERS.**—

(1) **IN GENERAL.**—The Commission shall be composed of 9 members, of whom—

President.

(A) 3 shall be appointed by the President;

(B) 2 shall be appointed by the Speaker of the House of Representatives, unless the Speaker is of the same party as the President, in which case 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the minority leader of the House of Representatives;

(C) 1 shall be appointed by the minority leader of the House of Representatives (in addition to any appointment made under subparagraph (B));

(D) 2 shall be appointed by the majority leader of the Senate, unless the majority leader is of the same party as the President, in which case 1 shall be appointed by the majority leader of the Senate and 1 shall be appointed by the minority leader of the Senate; and

(E) 1 member appointed by the minority leader of the Senate (in addition to any appointment made under subparagraph (D)).

(2) PERSONS ELIGIBLE.—Each member of the Commission shall be an individual who has knowledge or expertise in matters to be studied by the Commission.

(3) CONSULTATION REQUIRED.—The President, the Speaker and minority leader of the House of Representatives, and the majority leader and minority leader of the Senate shall consult with one another prior to the appointment of the members of the Commission to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(4) TERM.—Each member shall be appointed for the life of the Commission.

(5) TIME FOR INITIAL APPOINTMENTS.—The appointment of the members shall be made not later than 60 days after the date of enactment of this Act. Deadline.

(6) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made, and shall be made not later than 60 days after the date on which the vacancy occurred. Deadline.

(c) OPERATION.—

(1) CHAIRPERSON.—Not later than 15 days after appointments of all the members are made, the President shall appoint a chairperson for the Commission from among its members. Deadline. President.

(2) MEETINGS.—The Commission shall meet at the call of the chairperson. The initial meeting of the Commission shall take place not later than 30 days after the initial appointment of the members is completed. Deadline.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission.

(4) RULES.—The Commission may establish by majority vote any other rules for the conduct of Commission business, if such rules are not inconsistent with this Act or other applicable law.

(d) COMPREHENSIVE STUDY OF THE IMPACTS OF PRISON RAPE.—

(1) IN GENERAL.—The Commission shall carry out a comprehensive legal and factual study of the penalogical, physical, mental, medical, social, and economic impacts of prison rape in the United States on—

(A) Federal, State, and local governments; and

(B) communities and social institutions generally, including individuals, families, and businesses within such communities and social institutions.

(2) MATTERS INCLUDED.—The study under paragraph (1) shall include—

(A) a review of existing Federal, State, and local government policies and practices with respect to the prevention, detection, and punishment of prison rape;

(B) an assessment of the relationship between prison rape and prison conditions, and of existing monitoring, regulatory, and enforcement practices that are intended to address any such relationship;

(C) an assessment of pathological or social causes of prison rape;

(D) an assessment of the extent to which the incidence of prison rape contributes to the spread of sexually transmitted diseases and to the transmission of HIV;

(E) an assessment of the characteristics of inmates most likely to commit prison rape and the effectiveness of various types of treatment or programs to reduce such likelihood;

(F) an assessment of the characteristics of inmates most likely to be victims of prison rape and the effectiveness of various types of treatment or programs to reduce such likelihood;

(G) an assessment of the impacts of prison rape on individuals, families, social institutions and the economy generally, including an assessment of the extent to which the incidence of prison rape contributes to recidivism and to increased incidence of sexual assault;

(H) an examination of the feasibility and cost of conducting surveillance, undercover activities, or both, to reduce the incidence of prison rape;

(I) an assessment of the safety and security of prison facilities and the relationship of prison facility construction and design to the incidence of prison rape;

(J) an assessment of the feasibility and cost of any particular proposals for prison reform;

(K) an identification of the need for additional scientific and social science research on the prevalence of prison rape in Federal, State, and local prisons;

(L) an assessment of the general relationship between prison rape and prison violence;

(M) an assessment of the relationship between prison rape and levels of training, supervision, and discipline of prison staff; and

(N) an assessment of existing Federal and State systems for reporting incidents of prison rape, including an assessment of whether existing systems provide an adequate assurance of confidentiality, impartiality and the absence of reprisal.

(3) REPORT.—

Deadline.

(A) DISTRIBUTION.—Not later than 2 years after the date of the initial meeting of the Commission, the Commission shall submit a report on the study carried out under this subsection to—

(i) the President;

(ii) the Congress;

(iii) the Attorney General;

(iv) the Secretary of Health and Human Services;

(v) the Director of the Federal Bureau of Prisons;

(vi) the chief executive of each State; and

(vii) the head of the department of corrections of each State.

(B) CONTENTS.—The report under subparagraph (A) shall include—

(i) the findings and conclusions of the Commission;

(ii) recommended national standards for reducing prison rape;

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(iii) recommended protocols for preserving evidence and treating victims of prison rape; and

(iv) a summary of the materials relied on by the Commission in the preparation of the report.

(e) RECOMMENDATIONS.—

(1) IN GENERAL.—In conjunction with the report submitted under subsection (d)(3), the Commission shall provide the Attorney General and the Secretary of Health and Human Services with recommended national standards for enhancing the detection, prevention, reduction, and punishment of prison rape.

(2) MATTERS INCLUDED.—The information provided under paragraph (1) shall include recommended national standards relating to—

(A) the classification and assignment of prisoners, using proven standardized instruments and protocols, in a manner that limits the occurrence of prison rape;

(B) the investigation and resolution of rape complaints by responsible prison authorities, local and State police, and Federal and State prosecution authorities;

(C) the preservation of physical and testimonial evidence for use in an investigation of the circumstances relating to the rape;

(D) acute-term trauma care for rape victims, including standards relating to—

(i) the manner and extent of physical examination and treatment to be provided to any rape victim; and

(ii) the manner and extent of any psychological examination, psychiatric care, medication, and mental health counseling to be provided to any rape victim;

(E) referrals for long-term continuity of care for rape victims;

(F) educational and medical testing measures for reducing the incidence of HIV transmission due to prison rape;

(G) post-rape prophylactic medical measures for reducing the incidence of transmission of sexual diseases;

(H) the training of correctional staff sufficient to ensure that they understand and appreciate the significance of prison rape and the necessity of its eradication;

(I) the timely and comprehensive investigation of staff sexual misconduct involving rape or other sexual assault on inmates;

(J) ensuring the confidentiality of prison rape complaints and protecting inmates who make complaints of prison rape;

(K) creating a system for reporting incidents of prison rape that will ensure the confidentiality of prison rape complaints, protect inmates who make prison rape complaints from retaliation, and assure the impartial resolution of prison rape complaints;

(L) data collection and reporting of—

(i) prison rape;

(ii) prison staff sexual misconduct; and

(iii) the resolution of prison rape complaints by prison officials and Federal, State, and local investigation and prosecution authorities; and



(M) such other matters as may reasonably be related to the detection, prevention, reduction, and punishment of prison rape.

(3) LIMITATION.—The Commission shall not propose a recommended standard that would impose substantial additional costs compared to the costs presently expended by Federal, State, and local prison authorities.

(f) CONSULTATION WITH ACCREDITATION ORGANIZATIONS.—In developing recommended national standards for enhancing the detection, prevention, reduction, and punishment of prison rape, the Commission shall consider any standards that have already been developed, or are being developed simultaneously to the deliberations of the Commission. The Commission shall consult with accreditation organizations responsible for the accreditation of Federal, State, local or private prisons, that have developed or are currently developing standards related to prison rape. The Commission will also consult with national associations representing the corrections profession that have developed or are currently developing standards related to prison rape.

(g) HEARINGS.—

(1) IN GENERAL.—The Commission shall hold public hearings. The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under this section.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Commission.

(h) INFORMATION FROM FEDERAL OR STATE AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties under this section. The Commission may request the head of any State or local department or agency to furnish such information to the Commission.

(i) PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(2) DETAIL OF FEDERAL EMPLOYEES.—With the affirmative vote of  $\frac{2}{3}$  of the Commission, any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—Upon the request of the Commission, the Attorney General shall provide reasonable and appropriate office space, supplies, and administrative assistance.

(j) CONTRACTS FOR RESEARCH.—

(1) NATIONAL INSTITUTE OF JUSTICE.—With a  $\frac{2}{3}$  affirmative vote, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out its duties

under this Act. The National Institute of Justice shall contract with the researchers and experts selected by the Commission to provide funding in exchange for their services.

(2) OTHER ORGANIZATIONS.—Nothing in this subsection shall be construed to limit the ability of the Commission to enter into contracts with other entities or organizations for research necessary to carry out the duties of the Commission under this section.

(k) SUBPOENAS.—

(1) ISSUANCE.—The Commission may issue subpoenas for the attendance of witnesses and the production of written or other matter.

(2) ENFORCEMENT.—In the case of contumacy or refusal to obey a subpoena, the Attorney General may in a Federal court of appropriate jurisdiction obtain an appropriate order to enforce the subpoena.

(3) CONFIDENTIALITY OF DOCUMENTARY EVIDENCE.—Documents provided to the Commission pursuant to a subpoena issued under this subsection shall not be released publicly without the affirmative vote of  $\frac{2}{3}$  of the Commission.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(m) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date on which the Commission submits the reports required by this section.

(n) EXEMPTION.—The Commission shall be exempt from the Federal Advisory Committee Act.

#### SEC. 8. ADOPTION AND EFFECT OF NATIONAL STANDARDS.

Deadlines.  
42 USC 15607.

(a) PUBLICATION OF PROPOSED STANDARDS.—

(1) FINAL RULE.—Not later than 1 year after receiving the report specified in section 7(d)(3), the Attorney General shall publish a final rule adopting national standards for the detection, prevention, reduction, and punishment of prison rape.

(2) INDEPENDENT JUDGMENT.—The standards referred to in paragraph (1) shall be based upon the independent judgment of the Attorney General, after giving due consideration to the recommended national standards provided by the Commission under section 7(e), and being informed by such data, opinions, and proposals that the Attorney General determines to be appropriate to consider.

(3) LIMITATION.—The Attorney General shall not establish a national standard under this section that would impose substantial additional costs compared to the costs presently expended by Federal, State, and local prison authorities. The Attorney General may, however, provide a list of improvements for consideration by correctional facilities.

(4) TRANSMISSION TO STATES.—Within 90 days of publishing the final rule under paragraph (1), the Attorney General shall transmit the national standards adopted under such paragraph to the chief executive of each State, the head of the department of corrections of each State, and to the appropriate authorities in those units of local government who oversee operations in one or more prisons.

(b) APPLICABILITY TO FEDERAL BUREAU OF PRISONS.—The national standards referred to in subsection (a) shall apply to the

Federal Bureau of Prisons immediately upon adoption of the final rule under subsection (a)(4).

(c) ELIGIBILITY FOR FEDERAL FUNDS.—

(1) COVERED PROGRAMS.—

(A) IN GENERAL.—For purposes of this subsection, a grant program is covered by this subsection if, and only if—

(i) the program is carried out by or under the authority of the Attorney General; and

(ii) the program may provide amounts to States for prison purposes.

(B) LIST.—For each fiscal year, the Attorney General shall prepare a list identifying each program that meets the criteria of subparagraph (A) and provide that list to each State.

(2) ADOPTION OF NATIONAL STANDARDS.—For each fiscal year, any amount that a State would otherwise receive for prison purposes for that fiscal year under a grant program covered by this subsection shall be reduced by 5 percent, unless the chief executive of the State submits to the Attorney General—

(A) a certification that the State has adopted, and is in full compliance with, the national standards described in section 8(a); or

(B) an assurance that not less than 5 percent of such amount shall be used only for the purpose of enabling the State to adopt, and achieve full compliance with, those national standards, so as to ensure that a certification under subparagraph (A) may be submitted in future years.

Deadline.

(3) REPORT ON NONCOMPLIANCE.—Not later than September 30 of each year, the Attorney General shall publish a report listing each grantee that is not in compliance with the national standards adopted pursuant to section 8(a).

(4) COOPERATION WITH SURVEY.—For each fiscal year, any amount that a State receives for that fiscal year under a grant program covered by this subsection shall not be used for prison purposes (and shall be returned to the grant program if no other authorized use is available), unless the chief executive of the State submits to the Attorney General a certification that neither the State, nor any political subdivision or unit of local government within the State, is listed in a report issued by the Attorney General pursuant to section 4(c)(2)(C).

(5) REDISTRIBUTION OF AMOUNTS.—Amounts under a grant program not granted by reason of a reduction under paragraph (2), or returned by reason of the prohibition in paragraph (4), shall be granted to one or more entities not subject to such reduction or such prohibition, subject to the other laws governing that program.

Procedures.

(6) IMPLEMENTATION.—The Attorney General shall establish procedures to implement this subsection, including procedures for effectively applying this subsection to discretionary grant programs.

(7) EFFECTIVE DATE.—

(A) REQUIREMENT OF ADOPTION OF STANDARDS.—The first grants to which paragraph (2) applies are grants for the second fiscal year beginning after the date on which the national standards under section 8(a) are finalized.

PUBLIC LAW 108-79—SEPT. 4, 2003

117 STAT. 987

(B) REQUIREMENT FOR COOPERATION.—The first grants to which paragraph (4) applies are grants for the fiscal year beginning after the date of the enactment of this Act.

**SEC. 9. REQUIREMENT THAT ACCREDITATION ORGANIZATIONS ADOPT ACCREDITATION STANDARDS.** 42 USC 15608.

(a) ELIGIBILITY FOR FEDERAL GRANTS.—Notwithstanding any other provision of law, an organization responsible for the accreditation of Federal, State, local, or private prisons, jails, or other penal facilities may not receive any new Federal grants during any period in which such organization fails to meet any of the requirements of subsection (b).

(b) REQUIREMENTS.—To be eligible to receive Federal grants, an accreditation organization referred to in subsection (a) must meet the following requirements: Deadlines.

(1) At all times after 90 days after the date of enactment of this Act, the organization shall have in effect, for each facility that it is responsible for accrediting, accreditation standards for the detection, prevention, reduction, and punishment of prison rape.

(2) At all times after 1 year after the date of the adoption of the final rule under section 8(a)(4), the organization shall, in addition to any other such standards that it may promulgate relevant to the detection, prevention, reduction, and punishment of prison rape, adopt accreditation standards consistent with the national standards adopted pursuant to such final rule.

**SEC. 10. DEFINITIONS.** 42 USC 15609.

In this Act, the following definitions shall apply:

(1) CARNAL KNOWLEDGE.—The term “carnal knowledge” means contact between the penis and the vulva or the penis and the anus, including penetration of any sort, however slight.

(2) INMATE.—The term “inmate” means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.

(3) JAIL.—The term “jail” means a confinement facility of a Federal, State, or local law enforcement agency to hold—

(A) persons pending adjudication of criminal charges;

or

(B) persons committed to confinement after adjudication of criminal charges for sentences of 1 year or less.

(4) HIV.—The term “HIV” means the human immunodeficiency virus.

(5) ORAL SODOMY.—The term “oral sodomy” means contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus.

(6) POLICE LOCKUP.—The term “police lockup” means a temporary holding facility of a Federal, State, or local law enforcement agency to hold—

(A) inmates pending bail or transport to jail;

(B) inebriates until ready for release; or

(C) juveniles pending parental custody or shelter placement.

(7) PRISON.—The term “prison” means any confinement facility of a Federal, State, or local government, whether administered by such government or by a private organization on behalf of such government, and includes—

(A) any local jail or police lockup; and

(B) any juvenile facility used for the custody or care of juvenile inmates.

(8) PRISON RAPE.—The term “prison rape” includes the rape of an inmate in the actual or constructive control of prison officials.

(9) RAPE.—The term “rape” means—

(A) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person, forcibly or against that person’s will;

(B) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person not forcibly or against the person’s will, where the victim is incapable of giving consent because of his or her youth or his or her temporary or permanent mental or physical incapacity; or

(C) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person achieved through the exploitation of the fear or threat of physical violence or bodily injury.

(10) SEXUAL ASSAULT WITH AN OBJECT.—The term “sexual assault with an object” means the use of any hand, finger, object, or other instrument to penetrate, however slightly, the genital or anal opening of the body of another person.

(11) SEXUAL FONDLING.—The term “sexual fondling” means the touching of the private body parts of another person (including the genitalia, anus, groin, breast, inner thigh, or buttocks) for the purpose of sexual gratification.

(12) EXCLUSIONS.—The terms and conditions described in paragraphs (9) and (10) shall not apply to—

(A) custodial or medical personnel gathering physical evidence, or engaged in other legitimate medical treatment, in the course of investigating prison rape;

(B) the use of a health care provider’s hands or fingers or the use of medical devices in the course of appropriate medical treatment unrelated to prison rape; or

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(C) the use of a health care provider's hands or fingers and the use of instruments to perform body cavity searches in order to maintain security and safety within the prison or detention facility, provided that the search is conducted in a manner consistent with constitutional requirements.

Approved September 4, 2003.

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LEGISLATIVE HISTORY—S. 1435:

CONGRESSIONAL RECORD, Vol. 149 (2003):

July 21, considered and passed Senate.

July 25, considered and passed House.


WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Sept. 4, Presidential statement.



## **Attachment 2**

### Questionnaires

|                                 |  |  |                   |   |          |
|---------------------------------|--|--|-------------------|---|----------|
| FORM <b>SSV-1</b><br>(3-6-2014) |  |  <p align="center"><b>SURVEY OF SEXUAL VICTIMIZATION, 2013</b><br/>Federal Bureau of Prisons<br/>Summary Form</p> |                   | U.S. DEPARTMENT OF JUSTICE<br>BUREAU OF JUSTICE STATISTICS<br>AND ACTING AS COLLECTION AGENT<br>U.S. DEPT. OF COMMERCE<br>Economics and Statistics Administration<br>U.S. CENSUS BUREAU |          |
|                                 |  |  |                   |   |          |
| <b>DATA SUPPLIED BY</b>         |  |  |                   |   |          |
| Name                            |  |  | Title             |   |          |
| <b>OFFICIAL ADDRESS</b>         | Number and street or P.O. Box/Route Number |  | City              | State   | ZIP Code |
| <b>TELEPHONE</b>                | Area code                                  | Number   | <b>FAX NUMBER</b> | Area Code   | Number   |
| <b>E-MAIL ADDRESS</b>           |  |  |                   |   |          |

*(Please correct any error in name, mailing address, and ZIP Code)*

**What facilities are included in this data collection?**

All confinement facilities operated by the Federal Bureau of Prisons.

- INCLUDE prisons, penitentiaries, and correctional institutions; boot camps; community correction facilities; halfway houses; prison farms; reception, diagnostic, and classification centers; road camps; forestry and conservation camps; vocational training facilities; prison hospitals; and drug and alcohol treatment facilities for prisoners.

- **EXCLUDE privately-operated facilities. (These facilities will be contacted directly for data on sexual victimization.)**

**What inmates and incidents are included in this data collection?**

Inmates under your custody between January 1, 2013, and December 31, 2013.

- INCLUDE incidents involving inmates under the authority, custody, or care of your confinement or community-based facilities or staff.

- **EXCLUDE incidents involving inmates held in local jails and facilities in other jurisdictions.**

**Reporting instructions:**

- Please complete the entire SSV-1 Form.
- If the answer to a question is "not available" or "unknown," write "DK" (do not know) in the space provided.
- If the answer to a question is "not applicable," write "NA" in the space provided.
- If the answer to a question is "none" or "zero," mark the box () provided.

**Substantiated incidents of sexual violence:**

- Please complete an Incident Form (Adult, SSV-IA) for each substantiated incident of sexual victimization.

**Returning forms:**

- If you need assistance, please call **Greta Clark** at the **U.S. Census Bureau** toll-free at **1-800-253-2078**, or e-mail **govs.ssv@census.gov**
- **Please return your completed questionnaire and substantiated incident forms by September 1, 2014.**
- **You may complete these forms online (see enclosed instructions). Or if you prefer, you may return these forms by mail or fax.**
- **MAIL TO:** U.S. Census Bureau, P.O. Box 5000, Jeffersonville, IN 47199-5000
- **FAX (TOLL FREE): 1-888-891-2099**

**Burden Statement**

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The burden of this collection is estimated to average 60 minutes per response, including reviewing instructions, searching existing data sources, gathering necessary data, and completing and reviewing this form. Send comments regarding this burden estimate or any aspect of this survey, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. Do not send your completed form to this address.



**Section I - INMATE-ON-INMATE SEXUAL VICTIMIZATION**

**DEFINITIONS**

The survey utilizes the definition of "sexual abuse" as provided by 28 C.F.R. §115.6 in the *National Standards to Prevent, Detect, and Respond to Prison Rape* (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is disaggregated into three categories of inmate-on-inmate sexual victimization. These categories are:

**NONCONSENSUAL SEXUAL ACTS**

Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse;

**AND**

- Contact between the penis and the vulva or the penis and the anus including penetration, however slight;

**OR**

- Contact between the mouth and the penis, vulva, or anus;

**OR**

- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

**ABUSIVE SEXUAL CONTACT**

Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse;

**AND**

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person;
- Exclude incidents in which the contact was incidental to a physical altercation.

**SEXUAL HARASSMENT**

Repeated and unwanted sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another.

**1. Does the Federal Bureau of Prisons record allegations of inmate-on-inmate NONCONSENSUAL SEXUAL ACTS?**

01  Yes → **a. Do you record all reported occurrences, or only substantiated ones?**

01  All

02  Substantiated only

**b. Do you record attempted NONCONSENSUAL SEXUAL ACTS or only completed ones?**

01  Both attempted and completed

02  Completed only

02  No → *Please provide the definition used by the Federal Bureau of Prisons for inmate-on-inmate NONCONSENSUAL SEXUAL ACTS in the space below. Use that definition to complete Items 2 and 3.*

**2. Between January 1, 2013, and December 31, 2013, how many allegations of inmate-on-inmate NONCONSENSUAL SEXUAL ACTS were reported?**

**Number reported** . . . . .   None

- If an allegation involved multiple victimizations, count only once.
- Exclude any allegations that were reported as consensual.

**3. Of the allegations reported in Item 2, how many were — (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)**

**a. Substantiated** . . . . .   None

- The event was investigated and determined to have occurred, based on the preponderance of evidence (28 C.F.R. §115.72).

**b. Unsubstantiated** . . . . .   None

- The investigation concluded that evidence was insufficient to determine whether or not the event occurred.

**c. Unfounded** . . . . .   None

- The investigation determined that the event did NOT occur.

**d. Investigation ongoing** . . . . .   None

- Evidence is still being gathered, processed or evaluated and a final determination has not yet been made.

**e. TOTAL** (Sum of Items 3a through 3d) . . . . .   None

- The total should equal the number reported in Item 2.

**4. Does the Federal Bureau of Prisons record allegations of inmate-on-inmate ABUSIVE SEXUAL CONTACT?** (See definitions on page 2.)

01  Yes → **Can these be counted separately from allegations of NONCONSENSUAL SEXUAL ACTS?**

01  Yes

02  No → Skip to Item 7.

02  No → Please provide an explanation in the space below and then skip to Item 7.

**5. Between January 1, 2013, and December 31, 2013, how many allegations of inmate-on-inmate ABUSIVE SEXUAL CONTACT were reported?**

Number reported .....   None

- If an allegation involved multiple victimizations, count only once.
- Exclude any allegations that were reported as consensual.

**6. Of the allegations reported in Item 5, how many were —** (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)

a. **Substantiated** .....   None

b. **Unsubstantiated** .....   None

c. **Unfounded** .....   None

d. **Investigation ongoing** .   None

e. **TOTAL** (Sum of Items 6a through 6d) .....   None

- The total should equal the number reported in Item 5.

**7. Does the Federal Bureau of Prisons record allegations of inmate-on-inmate SEXUAL HARASSMENT?** (See definitions on page 2.)

01  Yes → **Do you record all reported allegations or only substantiated ones?**

01  All

02  Substantiated only

02  No → Please provide an explanation in the space below and then skip to Item 10.

**8. Between January 1, 2013, and December 31, 2013, how many allegations of inmate-on-inmate SEXUAL HARASSMENT were reported?**

Number reported .....   None

- If an allegation involved multiple victims or multiple inmate perpetrators, count only once.
- Exclude any allegations that were reported as consensual.

**9. Of the allegations reported in Item 8, how many were —** (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)

a. **Substantiated** .....   None

b. **Unsubstantiated** .....   None

c. **Unfounded** .....   None

d. **Investigation ongoing** .....   None

e. **TOTAL** (Sum of Items 9a through 9d) .....   None

- The total should equal the number reported in Item 8.

**SECTION II – STAFF-ON-INMATE SEXUAL ABUSE**

**DEFINITIONS**

The survey utilizes the definition of “sexual abuse” by a staff member, contractor or volunteer as provided by 28 C.F.R. §115.6 in the *National Standards to Prevent, Detect, and Respond to Prison Rape* (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is disaggregated into two categories of staff-on-inmate sexual abuse. These categories are:

**STAFF SEXUAL MISCONDUCT**

Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friends or other visitors.) Sexual relationships of a romantic nature between staff and inmates are included in this definition.

Consensual or nonconsensual sexual acts including:

- Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire;

**OR**

- Completed, attempted, threatened, or requested sexual acts;

**OR**

- Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

**STAFF SEXUAL HARASSMENT**

Repeated verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors).

- Demeaning references to gender or derogatory comments about body or clothing; sexually suggestive;

**OR**

- Repeated profane or obscene language or gestures.

**10. Does the Federal Bureau of Prisons record allegations of STAFF SEXUAL MISCONDUCT?**

01  Yes → **Do you record all reported occurrences, or only substantiated ones?**

01  All

02  Substantiated only

02  No → *Please provide an explanation in the space below and then skip to Item 13.*

**11. Between January 1, 2013, and December 31, 2013, how many allegations of STAFF SEXUAL MISCONDUCT were reported?**

**Number reported** . . . . .   None

- If an allegation involved multiple victims or staff, count only once.

**12. Of the allegations reported in Item 11, how many were — (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)**

**a. Substantiated** . . . . .   None

**b. Unsubstantiated** . . . . .   None

**c. Unfounded** . . . . .   None

**d. Investigation ongoing** . . . . .   None

**e. TOTAL** (Sum of Items 12a through 12d) . . . . .   None

- The total should equal the number reported in Item 11.

**13. Does the Federal Bureau of Prisons record allegations of STAFF SEXUAL HARASSMENT?**  
(See definitions on page 4.)

01  Yes → **Can these allegations be counted separately from allegations of STAFF SEXUAL MISCONDUCT?**

01  Yes

02  No → Skip to Item 16.

02  No → Please provide an explanation in the space below and then skip to Item 16.

**14. Between January 1, 2013, and December 31, 2013, how many allegations of STAFF SEXUAL HARASSMENT were reported?**

Number reported .....   None

- If an allegation involved multiple victims or staff, count only once.

**15. Of the allegations reported in Item 14, how many were —** (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)

a. Substantiated .....   None

b. Unsubstantiated .....   None

c. Unfounded .....   None

d. Investigation ongoing .....   None

e. **TOTAL** (Sum of Items 15a through 15d) .....   None

- The total should equal the number reported in Item 14.


**Section III - TOTAL SUBSTANTIATED INCIDENTS OF SEXUAL VICTIMIZATION**

**16. What is the total number of substantiated incidents reported Items 3a, 6a, 9a, 12a, and 15a?**

Total substantiated incidents .....   None

→ Please complete an Incident Form (Adult, SSV-IA) for each substantiated incident of sexual victimization.

**NOTES**

|                                 |   |        |   |           |   |  |
|---------------------------------|---|--------|---|-----------|---|--|
| FORM <b>SSV-2</b><br>(3-5-2014) |  |        | <b>SURVEY OF SEXUAL VICTIMIZATION, 2013</b><br><b>State Prison Systems</b><br><b>Summary Form</b> |           | U.S. DEPARTMENT OF JUSTICE<br>BUREAU OF JUSTICE STATISTICS<br>AND ACTING AS COLLECTION AGENT<br>U.S. DEPT. OF COMMERCE<br>Economics and Statistics Administration<br>U.S. CENSUS BUREAU |  |
| <b>DATA SUPPLIED BY</b>         |   |        |   |           |   |  |
| Name                            |   |        | Title   |           |   |  |
| <b>OFFICIAL ADDRESS</b>         | Number and street or P.O. Box/Route Number  |        | City  | State     | ZIP Code  |  |
| <b>TELEPHONE</b>                | Area code   | Number | <b>FAX NUMBER</b>   | Area Code | Number  |  |
| <b>E-MAIL ADDRESS</b>           |   |        |   |           |   |  |

(Please correct any error in name, mailing address, and ZIP Code)

#### What facilities are included in this data collection?

All State-operated confinement facilities that are intended for adults but sometimes hold juveniles.

- INCLUDE prisons, penitentiaries, and correctional institutions; boot camps; community correction facilities; halfway houses; prison farms; reception, diagnostic, and classification centers; road camps; forestry and conservation camps; vocational training facilities; prison hospitals; and drug and alcohol treatment facilities for prisoners.
- INCLUDE State-operated local detention facilities in Alaska, Connecticut, Delaware, Hawaii, Rhode Island, and Vermont.

- **EXCLUDE privately operated facilities and facilities operated and administered by local governments. (These facilities will be contacted directly for data on sexual victimization.)**

- EXCLUDE facilities that hold only juveniles. (These facilities will be contacted directly for data on sexual victimization.)

#### What inmates and incidents are included in this data collection?

Inmates under your custody between January 1, 2013, and December 31, 2013.

- INCLUDE incidents involving inmates under the authority, custody, or care of your confinement or community-based facilities or staff.

- **EXCLUDE incidents involving inmates held in local jails and facilities in other jurisdictions.**

#### Reporting instructions:

- Please complete the entire SSV-2 Form.
- If the answer to a question is "not available" or "unknown," write "DK" (do not know) in the space provided.
- If the answer to a question is "not applicable," write "NA" in the space provided.
- If the answer to a question is "none" or "zero," mark the box (X) provided.

#### Substantiated incidents of sexual violence:

- Please complete an Incident Form (Adult, SSV-1A) for each substantiated incident of sexual victimization.

#### Returning forms:

- If you need assistance, please call **Greta Clark** at the **U.S. Census Bureau** toll-free at **1-800-253-2078**, or e-mail **govs.ssv@census.gov**
- **Please return your completed questionnaire and substantiated incident forms by July 1, 2014.**
- **You may complete these forms online (see enclosed instructions.) Or if you prefer, you may return these forms by mail or fax.**
- **MAIL TO:** U.S. Census Bureau, P.O. Box 5000, Jeffersonville, IN 47199-5000
- **FAX (TOLL FREE): 1-888-891-2099**

#### Burden Statement

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The burden of this collection is estimated to average 60 minutes per response, including reviewing instructions, searching existing data sources, gathering necessary data, and completing and reviewing this form. Send comments regarding this burden estimate or any aspect of this survey, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. Do not send your completed form to this address.

**Section I - INMATE-ON-INMATE SEXUAL VICTIMIZATION**

**DEFINITIONS**

The survey utilizes the definition of "sexual abuse" as provided by 28 C.F.R. §115.6 in the *National Standards to Prevent, Detect, and Respond to Prison Rape* (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is disaggregated into three categories of inmate-on-inmate sexual victimization. These categories are:

**NONCONSENSUAL SEXUAL ACTS**

Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse;

**AND**

- Contact between the penis and the vulva or the penis and the anus including penetration, however slight;

**OR**

- Contact between the mouth and the penis, vulva, or anus;

**OR**

- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

**ABUSIVE SEXUAL CONTACTS**

Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse;

**AND**

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person;
- Exclude incidents in which the contact was incidental to a physical altercation.

**SEXUAL HARASSMENT**

Repeated and unwanted sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another.

**1. Does your State prison system record allegations of inmate-on-inmate NONCONSENSUAL SEXUAL ACTS?**

01  Yes → **a. Do you record all reported occurrences, or only substantiated ones?**

- 01  All
- 02  Substantiated only

**b. Do you record attempted NONCONSENSUAL SEXUAL ACTS or only completed ones?**

- 01  Both attempted and completed
- 02  Completed only

02  No → *Please provide the definition used by your State prison system for inmate-on-inmate NONCONSENSUAL SEXUAL ACTS in the space below. Use that definition to complete Items 2 and 3.*

**2. Between January 1, 2013, and December 31, 2013, how many allegations of inmate-on-inmate NONCONSENSUAL SEXUAL ACTS were reported?**

**Number reported** . . . . .   None

- If an allegation involved multiple victimizations, count only once.
- Exclude any allegations that were reported as consensual.

**3. Of the allegations reported in Item 2, how many were — (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)**

**a. Substantiated** . . . . .   None

- The event was investigated and determined to have occurred, based on the preponderance of evidence (28 C.F.R. §115.72).

**b. Unsubstantiated** . . . . .   None

- The investigation concluded that evidence was insufficient to determine whether or not the event occurred.

**c. Unfounded** . . . . .   None

- The investigation determined that the event did NOT occur.

**d. Investigation ongoing** . . . . .   None

- Evidence is still being gathered, processed or evaluated, and a final determination has not yet been made.

**e. TOTAL** (Sum of Items 3a through 3d) . . . . .   None

- The total should equal the number reported in Item 2.

**4. Does your State prison system record allegations of inmate-on-inmate ABUSIVE SEXUAL CONTACT?** (See definitions on page 2.)

01  Yes → **Can these be counted separately from allegations of NONCONSENSUAL SEXUAL ACTS?**

01  Yes

02  No → Skip to Item 7.

02  No → Please provide an explanation in the space below and then skip to Item 7.

**5. Between January 1, 2013, and December 31, 2013, how many allegations of inmate-on-inmate ABUSIVE SEXUAL CONTACT were reported?**

**Number reported** .....   None

- If an allegation involved multiple victimizations, count only once.
- Exclude any allegations that were reported as consensual.

**6. Of the allegations reported in Item 5, how many were —** (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)

**a. Substantiated** .....   None

**b. Unsubstantiated** .....   None

**c. Unfounded** .....   None

**d. Investigation ongoing** .   None

**e. TOTAL** (Sum of Items 6a through 6d) .....   None

- The total should equal the number reported in Item 5.

**7. Does your State prison system record allegations of inmate-on-inmate SEXUAL HARASSMENT?** (See definitions on page 2.)

01  Yes → **Do you record all reported allegations or only substantiated ones?**

01  All

02  Substantiated only

02  No → Please provide an explanation in the space below and then skip to Item 10.

**8. Between January 1, 2013, and December 31, 2013, how many allegations of inmate-on-inmate SEXUAL HARASSMENT were reported?**

**Number reported** .....   None

- If an allegation involved multiple victims or multiple inmate perpetrators, count only once.
- Exclude any allegations that were reported as consensual.

**9. Of the allegations reported in Item 8, how many were —** (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)

**a. Substantiated** .....   None

**b. Unsubstantiated** .....   None

**c. Unfounded** .....   None

**d. Investigation ongoing** .   None

**e. TOTAL** (Sum of Items 9a through 9d) .....   None

- The total should equal the number reported in Item 8.



**SECTION II – STAFF-ON-INMATE SEXUAL ABUSE**

**DEFINITIONS**

The survey utilizes the definition of “sexual abuse” by a staff member, contractor or volunteer as provided by 28 C.F.R. §115.6 in the *National Standards to Prevent, Detect, and Respond to Prison Rape* (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is disaggregated into two categories of staff-on-inmate sexual abuse. These categories are:

**STAFF SEXUAL MISCONDUCT**

Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friends or other visitors.) Sexual relationships of a romantic nature between staff and inmates are included in this definition.

Consensual or nonconsensual sexual acts including:

- Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire;

**OR**

- Completed, attempted, threatened, or requested sexual acts;

**OR**

- Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

**STAFF SEXUAL HARASSMENT**

Repeated verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors).

- Demeaning references to gender or derogatory comments about body or clothing; sexually suggestive;

**OR**

- Repeated profane or obscene language or gestures.

**10. Does your State prison system record allegations of STAFF SEXUAL MISCONDUCT?**

01  Yes → **Do you record all reported occurrences, or only substantiated ones?**

01  All

02  Substantiated only

02  No → *Please provide an explanation in the space below and then skip to Item 13.*

**11. Between January 1, 2013, and December 31, 2013, how many allegations of STAFF SEXUAL MISCONDUCT were reported?**

**Number reported** . . . . .   None

- If an allegation involved multiple victims or staff, count only once.

**12. Of the allegations reported in Item 11, how many were — (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)**

**a. Substantiated** . . . . .   None

**b. Unsubstantiated** . . . . .   None

**c. Unfounded** . . . . .   None

**d. Investigation ongoing** . . . . .   None

**e. TOTAL** (Sum of Items 12a through 12d) . . . . .   None

- The total should equal the number reported in Item 11.



**13. Does your State prison system record allegations of STAFF SEXUAL HARASSMENT?**  
(See definitions on page 4.)

01  Yes → **Can these allegations be counted separately from allegations of STAFF SEXUAL MISCONDUCT?**

01  Yes

02  No → Skip to Item 16.

02  No → Please provide an explanation in the space below and then skip to Item 16.

**14. Between January 1, 2013, and December 31, 2013, how many allegations of STAFF SEXUAL HARASSMENT were reported?**

Number reported .....   None

- If an allegation involved multiple victims or staff, count only once.

**15. Of the allegations reported in Item 14, how many were —** (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)

a. **Substantiated** .....   None

b. **Unsubstantiated** ....   None

c. **Unfounded** .....   None

d. **Investigation ongoing** .   None

e. **TOTAL** (Sum of Items 15a through 15d) .....   None

- The total should equal the number reported in Item 14.

**Section III – PRIVATE AND LOCAL ALLEGATIONS**

**16. Did any of the allegations reported in items 2, 5, 8, 11, or 14 occur in a privately operated facility?**

01  Yes

02  No

**17. Did any of the allegations reported in items 2, 5, 8, 11, or 14 occur in a facility operated and administered by local governments?**

01  Yes

02  No

**Section IV – TOTAL SUBSTANTIATED INCIDENTS OF SEXUAL VICTIMIZATION**

**18. What is the total number of substantiated incidents reported in Items 3a, 6a, 9a, 12a, and 15a?**

Total substantiated incidents .....   None

→ Please complete an Incident Form (Adult, SSV-IA) for each substantiated incident of sexual victimization.

**NOTES**

FORM **SSV-3**  
(3-5-2014)**SURVEY OF SEXUAL VICTIMIZATION, 2013**  
**Local Jail Jurisdictions**  
**Summary Form**U.S. DEPARTMENT OF JUSTICE  
BUREAU OF JUSTICE STATISTICS  
AND ACTING AS COLLECTION AGENT  
U.S. DEPT. OF COMMERCE  
Economics and Statistics Administration  
U.S. CENSUS BUREAU**DATA SUPPLIED BY**

|                         |  |        |                   |           |          |
|-------------------------|--|--------|-------------------|-----------|----------|
| Name                    |  | Title  |                   |           |          |
| <b>OFFICIAL ADDRESS</b> | Number and street or P.O. Box/Route Number |        | City              | State     | ZIP Code |
| <b>TELEPHONE</b>        | Area code                                  | Number | <b>FAX NUMBER</b> | Area Code | Number   |
| <b>E-MAIL ADDRESS</b>   |  |        |                   |           |          |

*(Please correct any error in name, mailing address, and ZIP Code)***What facilities are included in this data collection?**

All confinement facilities usually operated by a local law enforcement agency that are intended for adults but sometimes hold juveniles.

- INCLUDE all jails and city/county correctional centers that hold inmates beyond arraignment. Report on ALL inmates, including those held in separate holding or lockup areas within your facility.
- INCLUDE special jail facilities (e.g., medical/treatment/release centers, halfway houses, and work farms).

**EXCLUDE privately-operated jails and facilities operated by two or more jurisdictions, i.e., multi-jurisdictional facilities. (These facilities will be contacted directly for data on sexual victimization.)**

**What inmates and incidents are included in this data collection?**

Inmates under your custody between January 1, 2013, and December 31, 2013.

- INCLUDE incidents involving inmates under the authority, custody, or care of your confinement or community-based facilities or staff.

**EXCLUDE inmates held in other jurisdictions.**

**Reporting instructions:**

- Please complete the entire SSV-3 Form.
- If the answer to a question is "not available" or "unknown," write "DK" (do not know) in the space provided.
- If the answer to a question is "not applicable," write "NA" in the space provided.
- If the answer to a question is "none" or "zero," mark the box (X) provided.
- When exact numeric answers are not available, provide estimates and mark (X) the box beside each figure.

**Substantiated incidents of sexual violence:**

- Please complete an Incident Form (Adult, SSV-IA) for each substantiated incident of sexual victimization.

**Returning forms:**

- If you need assistance, please call **Greta Clark** at the **U.S. Census Bureau** toll-free at **1-888-369-3613, option 2**, or e-mail **govs.ssv@census.gov**
- **Please return your completed questionnaire and substantiated incident forms by September 1, 2014.**
- **You may complete these forms online (see enclosed instructions). Or if you prefer, you may return these forms by mail or fax.**
- **MAIL TO:** U.S. Census Bureau, P.O. Box 5000, Jeffersonville, IN 47199-5000
- **FAX (TOLL FREE): 1-812-218-3085**

**Burden Statement**

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The burden of this collection is estimated to average 30 minutes per response, including reviewing instructions, searching existing data sources, gathering necessary data, and completing and reviewing this form. Send comments regarding this burden estimate or any aspect of this survey, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. Do not send your completed form to this address.

**Section I – GENERAL INFORMATION**

**1. How many persons under the supervision of your local jail jurisdiction were –**

**a. CONFINED in your jail facilities on December 31, 2013?**

- INCLUDE persons on transfer to treatment facilities but who remain under your jurisdiction.
- INCLUDE persons out to court while under your jurisdiction.
- INCLUDE persons held for other jurisdictions.
- EXCLUDE persons housed in facilities operated by two or more jurisdictions or those held in privately-operated jails.
- EXCLUDE inmates on AWOL, escape, or long-term transfer to other jurisdictions.
- EXCLUDE all persons in non-residential community-based programs run by your jail (e.g., electronic monitoring, house arrest, community service, day reporting, work programs).

|   |                          |                          |
|---|--------------------------|--------------------------|
|   | Male                     | Female                   |
| <b>Inmates on December 31, 2013 . . .</b> | <input type="text"/>     | <input type="text"/>     |
|   | <input type="checkbox"/> | <input type="checkbox"/> |

**b. ADMITTED to your jail facilities during 2013?**

- INCLUDE new admissions only, i.e., persons officially booked into and housed in your facilities by formal legal document and by the authority of the courts or some other official agency.
- INCLUDE repeat offenders booked on new charges.
- EXCLUDE returns from escape, work release, medical appointments/treatment facilities, and bail or court appearances.

|   |                          |                          |
|---|--------------------------|--------------------------|
|   | Male                     | Female                   |
| <b>New admissions during 2013 . . . . .</b> | <input type="text"/>     | <input type="text"/>     |
|   | <input type="checkbox"/> | <input type="checkbox"/> |

**2. Between January 1, 2013, and December 31, 2013, what was the average daily population of all jail confinement facilities operated by your jurisdiction?**

- To calculate the average daily population, add the number of persons for each day during the period January 1, 2013, through December 31, 2013, and divide the result by 365.

|   |                          |                          |
|---|--------------------------|--------------------------|
|   | Male                     | Female                   |
| <b>Average daily population . . . . .</b> | <input type="text"/>     | <input type="text"/>     |
|   | <input type="checkbox"/> | <input type="checkbox"/> |

**Section II – INMATE-ON-INMATE SEXUAL VICTIMIZATION**

**DEFINITIONS**

The survey utilizes the definition of “sexual abuse” as provided by 28 C.F.R. §115.6 in the *National Standards to Prevent, Detect, and Respond to Prison Rape* (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is disaggregated into three categories of inmate-on-inmate sexual victimization. These categories are:

**NONCONSENSUAL SEXUAL ACTS**

Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse;

**AND**

- Contact between the penis and the vulva or the penis and the anus including penetration, however slight;

**OR**

- Contact between the mouth and the penis, vulva, or anus;

**OR**

- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, or other instrument.

**ABUSIVE SEXUAL CONTACTS**

Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse;

**AND**

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.
- Exclude incidents in which the contact was incidental to a physical altercation.

**SEXUAL HARASSMENT**

Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another.

**3. Does your local jail jurisdiction record allegations of inmate-on-inmate NONCONSENSUAL SEXUAL ACTS?**

01  Yes → **a. Do you record all reported occurrences, or only substantiated ones?**

- 01  All
- 02  Substantiated only

**b. Do you record attempted NONCONSENSUAL SEXUAL ACTS or only completed ones?**

- 01  Both attempted and completed
- 02  Completed only

02  No → Please provide the definition used by your local jail jurisdiction for inmate-on-inmate NONCONSENSUAL SEXUAL ACTS in the space below. Use that definition to complete Items 4 and 5.

**4. Between January 1, 2013, and December 31, 2013, how many allegations of inmate-on-inmate NONCONSENSUAL SEXUAL ACTS were reported?**

Number reported . . . . .   None

- If an allegation involved multiple victimizations, count only once.
- Exclude any allegations that were reported as consensual.

**5. Of the allegations reported in Item 4, how many were — (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)**

**a. Substantiated** . . . . .   None

- The event was investigated and determined to have occurred, based on the preponderance of evidence (28 C.F.R. §115.72).

**b. Unsubstantiated** . . . . .   None

- The investigation concluded that evidence was insufficient to determine whether or not the event occurred.

**c. Unfounded** . . . . .   None

- The investigation determined that the event did NOT occur.

**d. Investigation ongoing** . . . . .   None

- Evidence is still being gathered, processed or evaluated, and a final determination has not yet been made.

**e. TOTAL** (Sum of Items 5a through 5d) . . . . .   None

- The total should equal the number reported in Item 4.

**6. Does your local jail jurisdiction record allegations of inmate-on-inmate ABUSIVE SEXUAL CONTACT? (See definitions on page 2.)**

01  Yes → **Can these be counted separately from allegations of NONCONSENSUAL SEXUAL ACTS?**

- 01  Yes
- 02  No → Skip to Item 9.

02  No → Please provide an explanation in the space below and then skip to Item 9.

**7. Between January 1, 2013, and December 31, 2013, how many allegations of inmate-on-inmate ABUSIVE SEXUAL CONTACT were reported?**

Number reported . . . . .   None

- If an allegation involved multiple victimizations, count only once.
- Exclude any allegations that were reported as consensual.

**8. Of the allegations reported in Item 7, how many were — (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)**

**a. Substantiated** . . . . .   None

**b. Unsubstantiated** . . . . .   None

**c. Unfounded** . . . . .   None

**d. Investigation ongoing** . . . . .   None

**e. TOTAL** (Sum of Items 8a through 8d) . . . . .   None

- The total should equal the number reported in Item 7.

**9. Does your local jail jurisdiction record allegations of inmate-on-inmate SEXUAL HARASSMENT? (See definitions on page 2.)**

- 01  Yes → **Do you record all reported allegations or only substantiated ones?**
- 01  All
- 02  Substantiated only

02  No → *Please provide an explanation in the space below and then skip to Item 12.*

**10. Between January 1, 2013, and December 31, 2013, how many allegations of inmate-on-inmate SEXUAL HARASSMENT were reported?**

**Number reported** .....   None

- If an allegation involved multiple victims or multiple inmate perpetrators, count only once.
- Exclude any allegations that were reported as consensual.

**11. Of the allegations reported in item 10, how many were –**

**a. Substantiated** .....   None

**b. Unsubstantiated** .....   None

**c. Unfounded** .....   None

**d. Investigation ongoing** ..   None

**e. TOTAL** (Sum of Items 8a through 8d) .....   None

- The total should equal the number reported in Item 10.

**Section III – STAFF-ON-INMATE SEXUAL ABUSE**

**DEFINITIONS**

The survey utilizes the definition of “sexual abuse” by a staff member, contractor or volunteer as provided by 28 C.F.R. §115.6 in the *National Standards to Prevent, Detect, and Respond to Prison Rape* (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is disaggregated into two categories of staff-on-youth sexual abuse. These categories are:

**STAFF SEXUAL MISCONDUCT**

Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friends or other visitors.) Sexual relationships of a romantic nature between staff and inmates are included in this definition.

Consensual or nonconsensual sexual acts including:

- Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire;

**OR**

- Completed, attempted, threatened, or requested sexual acts;

**OR**

- Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

**STAFF SEXUAL HARASSMENT**

Repeated verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors).

- Demeaning references to gender or derogatory comments about body or clothing; sexually suggestive;

**OR**

- Repeated profane or obscene language or gestures.

**12. Does your local jail jurisdiction record allegations of STAFF SEXUAL MISCONDUCT?**

01  Yes → **Do you record all reported occurrences, or only substantiated ones?**

01  All

02  Substantiated only

02  No → *Please provide an explanation in the space below and then skip to Item 15.*

**13. Between January 1, 2013, and December 31, 2013, how many allegations of STAFF SEXUAL MISCONDUCT were reported?**

**Number reported** .....   None

- If an allegation involved multiple victims or staff, count only once.

**14. Of the allegations reported in Item 10, how many were —** *(Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)*

**a. Substantiated** .....   None

**b. Unsubstantiated** .....   None

**c. Unfounded** .....   None

**d. Investigation ongoing** .....   None

**e. TOTAL** (Sum of Items 14a through 14d) .....   None

- The total should equal the number reported in item 13.

**15. Does your local jail jurisdiction record allegations of STAFF SEXUAL HARASSMENT?**

01  Yes → **Can these allegations be counted separately from allegations of STAFF SEXUAL MISCONDUCT?**

01  Yes

02  No → *Skip to Item 18.*

02  No → *Please provide an explanation in the space below and then skip to Item 18.*

**16. Between January 1, 2013, and December 31, 2013, how many allegations of STAFF SEXUAL HARASSMENT were reported?**

**Number reported** .....   None

- If an allegation involved multiple victims or staff, count only once.

**17. Of the allegations reported in Item 16, how many were —** *(Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)*

**a. Substantiated** .....   None

**b. Unsubstantiated** .....   None

**c. Unfounded** .....   None

**d. Investigation ongoing** .....   None

**e. TOTAL** (Sum of Items 17a through 17d) .....   None

- The number should equal the number reported in item 16.

**Section IV - TOTAL SUBSTANTIATED INCIDENTS OF SEXUAL VICTIMIZATION**

**NOTES**

**18. What is the total number of substantiated incidents reported in Items 5a, 8a, 11a, 14a, and 17a?**

**Total substantiated incidents** .....   None

**→ Please complete an Incident Form (Adult, SSV-IA) for each substantiated incident of sexual victimization.**

FORM **SSV-4**  
(3-4-2014)

**SURVEY OF SEXUAL VICTIMIZATION, 2013**  
**Other Correctional Facilities**  
**Summary Form**

U.S. DEPARTMENT OF JUSTICE  
 BUREAU OF JUSTICE STATISTICS  
 AND ACTING AS COLLECTION AGENT  
 U.S. DEPT. OF COMMERCE  
 Economics and Statistics Administration  
 U.S. CENSUS BUREAU

**DATA SUPPLIED BY**

|                         |  |        |                   |           |          |
|-------------------------|--|--------|-------------------|-----------|----------|
| Name                    |  | Title  |                   |           |          |
| <b>OFFICIAL ADDRESS</b> | Number and street or P.O. Box/Route Number |        | City              | State     | ZIP Code |
| <b>TELEPHONE</b>        | Area code                                  | Number | <b>FAX NUMBER</b> | Area Code | Number   |
| <b>E-MAIL ADDRESS</b>   |  |        |                   |           |          |

*(Please correct any error in name, mailing address, and ZIP Code)*

**What facilities are included in this data collection?**

- **MULTI-JURISDICTIONAL FACILITIES:** Facilities including detention centers, jails, community-based facilities, and other correctional facilities administered by two or more governments (or a board composed of representatives from two or more governments) that are intended for adults but sometimes hold juveniles.
- **PRIVATELY OPERATED FACILITIES:** All privately owned or operated confinement facilities including prisons, jails, detention centers, community-based facilities, and other correctional facilities that are intended for adults but sometimes hold juveniles.
- **FACILITIES OPERATED BY OR FOR:**
  - **THE UNITED STATES MILITARY**
  - **THE BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT**
  - **TRIBAL AUTHORITIES**
  - **THE BUREAU OF INDIAN AFFAIRS**

**What inmates and incidents are included in this data collection?**

Inmates under your custody between January 1, 2013, and December 31, 2013.

- INCLUDE incidents involving inmates under the authority, custody, or care of your confinement or community-based facilities or staff.
- **EXCLUDE inmates held in other jurisdictions.**

**Reporting instructions:**

- Please complete the entire SSV-4 Form.
- If the answer to a question is "not available" or "unknown," write "DK" (do not know) in the space provided.
- If the answer to a question is "not applicable," write "NA" in the space provided.
- If the answer to a question is "none" or "zero," mark the box () provided.
- When exact numeric answers are not available, provide estimates and mark () the box beside each figure.

**Substantiated incidents of sexual violence:**

- Please complete an Incident Form (Adult, SSV-IA) for each substantiated incident of sexual victimization.

**Returning forms:**

- If you need assistance, please call **Greta Clark** at the **U.S. Census Bureau** toll-free at **1-888-369-3613, option 2**, or e-mail **govs.ssv@census.gov**
- **Please return your completed questionnaire and substantiated incident forms by September 1, 2014.**
- **You may complete these forms online (see enclosed instructions). Or if you prefer, you may return these forms by mail or fax.**
- **MAIL TO:** U.S. Census Bureau, P.O. Box 5000, Jeffersonville, IN 47199-5000
- **FAX (TOLL FREE) TO: 1-812-218-3085**

**Burden statement**

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The burden of this collection is estimated to average 30 minutes per response, including reviewing instructions, searching existing data sources, gathering necessary data, and completing and reviewing this form. Send comments regarding this burden estimate or any aspect of this survey, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. Do not send your completed form to this address.



**Section I – GENERAL INFORMATION**

**1. How many persons under the supervision of your facility were –**

**a. CONFINED on December 31, 2013?**

- INCLUDE persons on transfer to treatment facilities but who remain under your jurisdiction.
- INCLUDE persons out to court while under your jurisdiction.
- INCLUDE persons held for other jurisdictions.
- EXCLUDE inmates on AWOL, escape, or long-term transfer to other jurisdictions.
- EXCLUDE all persons in non-residential community-based programs run by your facility (e.g., electronic monitoring, house arrest, community service, day reporting, work programs).

|   |  |  |
|---|--|--|
|   | Male   | Female   |
| <b>Inmates on December 31, 2013 . . .</b> | <input style="width: 50px; height: 20px;" type="text"/> <input type="checkbox"/> | <input style="width: 50px; height: 20px;" type="text"/> <input type="checkbox"/> |

**b. ADMITTED to your facility during 2013?**

- INCLUDE new admissions only, i.e., persons officially booked into and housed in your facilities by formal legal document and by the authority of the courts or some other official agency.
- INCLUDE repeat offenders booked on new charges.
- EXCLUDE returns from escape, work release, medical appointments/treatment facilities, and bail or court appearances.

|   |  |  |
|---|--|--|
|   | Male   | Female   |
| <b>New admissions during 2013 . . . . .</b> | <input style="width: 50px; height: 20px;" type="text"/> <input type="checkbox"/> | <input style="width: 50px; height: 20px;" type="text"/> <input type="checkbox"/> |

**2. Between January 1, 2013, and December 31, 2013, what was the average daily population of your confinement facility?**

- To calculate the average daily population, add the number of persons for each day during the period January 1, 2013, through December 31, 2013, and divide the result by 365.

|   |  |  |
|---|--|--|
|   | Male   | Female   |
| <b>Average daily population . . . . .</b> | <input style="width: 50px; height: 20px;" type="text"/> <input type="checkbox"/> | <input style="width: 50px; height: 20px;" type="text"/> <input type="checkbox"/> |

**Section II – INMATE-ON-INMATE SEXUAL VICTIMIZATION**

**DEFINITIONS**

The survey utilizes the definition of “sexual abuse” as provided by 28 C.F.R. §115.6 in the *National Standards to Prevent, Detect, and Respond to Prison Rape* (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is disaggregated into three categories of inmate-on-inmate sexual victimization. These categories are:

**NONCONSENSUAL SEXUAL ACTS**

Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse;

**AND**

- Contact between the penis and the vulva or the penis and the anus including penetration, however slight;

**OR**

- Contact between the mouth and the penis, vulva, or anus;

**OR**

- Penetration of the anal or genital opening of another person however slight, by a hand, finger, object, or other instrument.

**ABUSIVE SEXUAL CONTACT**

Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse;

**AND**

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

- Exclude incidents in which the contact was incidental to a physical altercation.

**SEXUAL HARASSMENT**

Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another.

**3. Does your facility record allegations of inmate-on-inmate NONCONSENSUAL SEXUAL ACTS?**

01  Yes → **a. Do you record all reported occurrences, or only substantiated ones?**

- 01  All
- 02  Substantiated only

**b. Do you record attempted NONCONSENSUAL SEXUAL ACTS or only completed ones?**

- 01  Both attempted and completed
- 02  Completed only

02  No → Please provide the definition used by your facility for inmate-on-inmate NONCONSENSUAL SEXUAL ACTS in the space below. Use that definition to complete Items 4 and 5.

**4. Between January 1, 2013, and December 31, 2013, how many allegations of inmate-on-inmate NONCONSENSUAL SEXUAL ACTS were reported?**

**Number reported** .....   None

- If an allegation involved multiple victimizations, count only once.
- Exclude any allegations that were reported as consensual.

**5. Of the allegations reported in Item 4, how many were —** (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)

**a. Substantiated** .....   None

- The event was investigated and determined to have occurred, based on the preponderance of evidence (28 C.F.R. §115.72).

**b. Unsubstantiated** .....   None

- The investigation concluded that evidence was insufficient to determine whether or not the event occurred.

**c. Unfounded** .....   None

- The investigation determined that the event did NOT occur.

**d. Investigation ongoing** .....   None

- Evidence is still being gathered, processed or evaluated, and a final determination has not yet been made.

**e. TOTAL** (Sum of Items 5a through 5d) .....   None

- The total should equal the number reported in Item 4.

**6. Does your facility record allegations of inmate-on-inmate ABUSIVE SEXUAL CONTACT?** (See definitions on page 2.)

01  Yes → **Can these be counted separately from allegations of NONCONSENSUAL SEXUAL ACTS?**

- 01  Yes
- 02  No → Skip to Item 9.

02  No → Please provide an explanation in the space below and then skip to Item 9.

**7. Between January 1, 2013, and December 31, 2013, how many allegations of inmate-on-inmate ABUSIVE SEXUAL CONTACT were reported?**

**Number reported** .....   None

- If an allegation involved multiple victimizations, count only once.
- Exclude any allegations that were reported as consensual.

**8. Of the allegations reported in Item 7, how many were —** (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)

**a. Substantiated** .....   None

**b. Unsubstantiated** .....   None

**c. Unfounded** .....   None

**d. Investigation ongoing** .....   None

**e. TOTAL** (Sum of Items 8a through 8d) .....   None

- The total should equal the number reported in Item 7.

**9. Does your facility record allegations of inmate-on-inmate SEXUAL HARASSMENT?** (See definitions on page 2.)

01  Yes → **Do you record all reported allegations or only substantiated ones?**

01  All

02  Substantiated only

02  No → Please provide an explanation in the space below and then skip to item 12.

**10. Between January 1, 2013, and December 31, 2013, how many allegations of inmate-on-inmate SEXUAL HARASSMENT were reported?**

**Number reported** . . . . .   None

- If an allegation involved multiple victims or multiple inmate perpetrators, count only once.
- Exclude any allegations that were reported as consensual.

**11. Of the allegations reported in Item 10, how many were —** (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)

**a. Substantiated** . . . . .   None

**b. Unsubstantiated** . . . . .   None

**c. Unfounded** . . . . .   None

**d. Investigation ongoing** .   None

**e. TOTAL** (Sum of Items 11a through 11d) . . . . .   None

- The total should equal the number reported in Item 10.

**Section III – STAFF-ON-INMATE SEXUAL ABUSE**

**DEFINITIONS**

The survey utilizes the definition of “sexual abuse” by a staff member, contractor or volunteer as provided by 28 C.F.R. §115.6 in the *National Standards to Prevent, Detect, and Respond to Prison Rape* (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is disaggregated into two categories of staff-on-inmate sexual abuse. These categories are:

**STAFF SEXUAL MISCONDUCT**

Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friends or other visitors.) Sexual relationships of a romantic nature between staff and inmates are included in this definition.

Consensual or nonconsensual sexual acts including:

- Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire;

**OR**

- Completed, attempted, threatened, or requested sexual acts;

**OR**

- Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reason unrelated to official duties or for sexual gratification.

**STAFF SEXUAL HARASSMENT**

Repeated verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors).

- Demeaning references to gender or derogatory comments about body or clothing; sexually suggestive;

**OR**

- Repeated profane or obscene language or gestures.

**12. Does your facility record allegations of STAFF SEXUAL MISCONDUCT?**

01  Yes → **Do you record all reported occurrences, or only substantiated ones?**

01  All

02  Substantiated only

02  No → *Please provide an explanation in the space below and then skip to Item 15.*

**13. Between January 1, 2013, and December 31, 2013, how many allegations of STAFF SEXUAL MISCONDUCT were reported?**

**Number reported** .....   None

- If an allegation involved multiple victims or staff, count only once.

**14. Of the allegations reported in Item 13, how many were —** *(Please contact the agency or office responsible for investigation allegations of sexual victimization in order to fully complete this form.)*

**a. Substantiated** .....   None

**b. Unsubstantiated** .....   None

**c. Unfounded** .....   None

**d. Investigation ongoing** .....   None

**e. TOTAL** (Sum of Items 14a through 14d) .....   None

- The total should equal the number reported in Item 13.

**15. Does your facility record allegations of STAFF SEXUAL HARASSMENT?**

01  Yes → **Can these allegations be counted separately from allegations of STAFF SEXUAL MISCONDUCT?**

01  Yes

02  No → *Skip to Item 18.*

02  No → *Please provide an explanation in the space below and skip to Item 18.*

**16. Between January 1, 2013, and December 31, 2013, how many allegations of STAFF SEXUAL HARASSMENT were reported?**

**Number reported** .....   None

- If an allegation involved multiple victims or staff, count only once.

**17. Of the allegations reported in Item 16, how many were —** *(Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)*

**a. Substantiated** .....   None

**b. Unsubstantiated** .....   None

**c. Unfounded** .....   None

**d. Investigation ongoing** .....   None

**e. TOTAL** (Sum of Items 17a through 17d) .....   None

- The total should equal the number reported in Item 16.

**Section IV - TOTAL SUBSTANTIATED INCIDENTS OF SEXUAL VICTIMIZATION**

**NOTES**

**18. What is the total number of substantiated incidents reported in Items 5a, 8a, 11a, 14a, and 17a?**

**Total substantiated incidents** .....   None

**→ Please complete an Incident Form (Adult, SSV-IA) for each substantiated incident of sexual victimization.**

FORM **SSV-5**  
(3-6-2014)

**SURVEY OF SEXUAL VICTIMIZATION, 2013**  
**State Juvenile Systems**  
**Summary Form**

U.S. DEPARTMENT OF JUSTICE  
 BUREAU OF JUSTICE STATISTICS  
 AND ACTING AS COLLECTION AGENT  
 U.S. DEPT. OF COMMERCE  
 Economics and Statistics Administration  
 U.S. CENSUS BUREAU

**DATA SUPPLIED BY**

|                         |  |        |                   |           |          |
|-------------------------|--|--------|-------------------|-----------|----------|
| Name                    |  | Title  |                   |           |          |
| <b>OFFICIAL ADDRESS</b> | Number and street or P.O. Box/Route Number |        | City              | State     | ZIP Code |
| <b>TELEPHONE</b>        | Area code                                  | Number | <b>FAX NUMBER</b> | Area Code | Number   |
| <b>E-MAIL ADDRESS</b>   |  |        |                   |           |          |

*(Please correct any error in name, mailing address, and ZIP Code)*

**What facilities are included in this data collection?**

All State-operated juvenile residential placement facilities used to house juveniles and youthful offenders, regardless of age or reason for placement.

- INCLUDE State-operated juvenile residential facilities such as: detention centers, training schools, long-term secure facilities; reception or diagnostic centers; group homes or halfway houses; boot camps; ranches; forestry camps, wilderness or marine programs, or farms; runaway or homeless shelters; and residential treatment centers for juveniles.
- **EXCLUDE privately operated facilities and facilities operated or administered by local governments. (These facilities will be contacted directly for data on sexual victimization.)**

**What persons and incidents are included in this data collection?**

Juveniles and youthful offenders, regardless of age or reason for placement, under your custody between January 1, 2013, and December 31, 2013.

- INCLUDE incidents involving juveniles or youthful offenders under the authority, custody, or care of your confinement or community-based facilities or staff.
- **EXCLUDE incidents involving juveniles or youthful offenders not held in facilities operated by your State juvenile system.**

**Reporting instructions:**

- Please complete the entire SSV-5 Form.
- If the answer to a question is "not available" or "unknown," write "DK" (do not know) in the space provided.
- If the answer to a question is "not applicable," write "NA" in the space provided.
- If the answer to a question is "none" or "zero," mark the box (X) provided.
- When exact numeric answers are not available, provide estimates and mark (X) the box beside each figure.

**Substantiated incidents of sexual violence:**

- Please complete an Incident Form (Juvenile, SSV-IJ) for each substantiated incident of sexual victimization.

**Returning forms:**

- If you need assistance, please call **Greta Clark** at the **U.S. Census Bureau** toll-free at **1-800-253-2078** or email **govs.ssv@census.gov**
- **Please return your completed questionnaire and substantiated incident forms by September 1, 2014.**
- **You may complete these forms online (see enclosed instructions). Or if you prefer, you may return these forms by mail or fax.**
- **MAIL TO:** U.S. Census Bureau, P.O. Box 5000, Jeffersonville, IN 47199-5000
- **FAX (TOLL FREE): 1-888-891-2099**

**Burden Statement**

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The burden of this collection is estimated to average 60 minutes per response, including reviewing instructions, searching existing data sources, gathering necessary data, and completing and reviewing this form. Send comments regarding this burden estimate or any aspect of this survey, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. Do not send your completed form to this address.

**DEFINITIONS**

**JUVENILES and YOUTHFUL OFFENDERS**

- Any person under the jurisdiction of your State's juvenile system or youthful offender authority, regardless of age or reason for placement.

**FACILITIES**

INCLUDE all State-operated facilities used to house juveniles or youthful offenders charged with or court-adjudicated for:

- Any offense that is illegal for both adults and juveniles;

**OR**

- An offense that is ILLEGAL in your State for juveniles, but not for adults (running away, truancy, incorrigibility, curfew violations, and liquor violations).

EXCLUDE State-operated facilities used ONLY to house juveniles for:

- Non-criminal purposes (neglect, abuse, abandonment, or dependency);

**OR**

- Being Persons in Need of Services (PINS) or Children in Need of Services (CHINS) who have assigned beds for reasons other than offenses.

**Section I - GENERAL INFORMATION**

**1. On December 31, 2013, how many facilities operated by your State held juveniles or youthful offenders CHARGED WITH or COURT-ADJUDICATED FOR AN OFFENSE?**

**Number of facilities** . . .

- Count all juvenile residential facilities where young persons who have committed offenses may be housed overnight.
- Count each facility with a separate physical location only once. Do not count separate living/sleeping units, wings, floors, dorms, barracks, or cottages within a single facility.

**2. On December 31, 2013, how many persons held in the facilities reported in Item 1 were —**

**a. Males** . . . . .

**b. Females** . . . . .

**c. TOTAL** (*Sum of Items 2a to 2b*) .

- Count persons held in the facilities reported in Item 1 regardless of age or reason for placement. Include persons who were temporarily away but had assigned beds on December 31, 2013.

**3. On December 31, 2013, how many persons held in the facilities reported in Item 1 were —**

**a. Age 17 or younger** . . . . .

**b. Age 18 to 20** . . . . .

**c. Age 21 or older** . . . . .

**d. TOTAL** (*Sum of Items 3a to 3c should equal Item 2c*) . . . . .

- Count all persons held in the facilities reported in Item 1 regardless of age or reason for placement. Include persons who were temporarily away but had assigned beds on December 31, 2013.

**4. Between January 1, 2013, and December 31, 2013, how many persons were admitted to or discharged from the facilities reported in Item 1?**

**a. TOTAL number admitted** . .

**b. TOTAL number discharged** .

- Include all persons admitted into your State-operated juvenile residential facilities by a formal legal document, by the authority of the courts, or by some other official agency.
- Include all persons discharged from your State-operated juvenile residential facilities after a period of confinement including sentence completion, pretrial releases, transfers to adult jurisdictions or to other States, and deaths.
- Exclude admissions and discharges resulting from returns from escape, administrative transfers to other juvenile facilities operated by your State, or temporary release including work/school release, medical appointments, other treatment facilities, or court appearances.



**Section II – YOUTH-ON-YOUTH SEXUAL VICTIMIZATION**

**DEFINITIONS**

The survey utilizes the definition of “sexual abuse” as provided by 28 C.F.R. §115.6 in the *National Standards to Prevent, Detect, and Respond to Prison Rape* (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is disaggregated into three categories of youth-on-youth sexual victimization. These categories are:

**NONCONSENSUAL SEXUAL ACTS**

Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse;

**AND**

- Sexual contact between the penis and the vulva or the penis and the anus including penetration, however slight;

**OR**

- Contact between the mouth and the penis, vulva, or anus;

**OR**

- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

**ABUSIVE SEXUAL CONTACT**

Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse;

**AND**

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.
- Exclude incidents in which the contact was incidental to a physical altercation.

**SEXUAL HARASSMENT**

Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth directed toward another.

**5. Does your State juvenile system record allegations of youth-on-youth NONCONSENSUAL SEXUAL ACTS?**

01  Yes → **a. Do you record all reported occurrences, or only substantiated ones?**

- 01  All
- 02  Substantiated only

**b. Do you record attempted NONCONSENSUAL SEXUAL ACTS or only completed ones?**

- 01  Both attempted and completed
- 02  Completed only

02  No → *Please provide the definition used by your State juvenile system for youth-on-youth NONCONSENSUAL SEXUAL ACTS in the space below. Use that definition to complete Items 6 and 7.*

**6. Between January 1, 2013, and December 31, 2013, how many allegations of youth-on-youth NONCONSENSUAL SEXUAL ACTS were reported?**

**Number reported** . . . . .   None

- If an allegation involved multiple victimizations, count only once.
- Exclude any allegations that were reported as consensual.

**7. Of the allegations reported in Item 6, how many were —** *(Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)*

**a. Substantiated** . . . . .   None

- The event was investigated and determined to have occurred, based on the preponderance of evidence (28 C.F.R. §115.72).

**b. Unsubstantiated** . . . . .   None

- The investigation concluded that evidence was insufficient to determine whether or not the event occurred.

**c. Unfounded** . . . . .   None

- The investigation determined that the event did NOT occur.

**d. Investigation ongoing** . . . . .   None

- Evidence is still being gathered, processed or evaluated, and a final determination has not yet been made.

**e. TOTAL** (Sum of Items 7a through 7d) . . . . .   None

- The total should equal the number reported in Item 6.



**8. Does your State juvenile system record allegations of youth-on-youth ABUSIVE SEXUAL CONTACTS?** (See definitions on page 3.)

01  Yes → **Can these be counted separately from allegations of NONCONSENSUAL SEXUAL ACTS?**

- 01  Yes
- 02  No → Skip to Item 11.

02  No → Please provide an explanation in the space below and then skip to Item 11.

**9. Between January 1, 2013, and December 31, 2013, how many allegations of youth-on-youth ABUSIVE SEXUAL CONTACT were reported?**

**Number reported** .....   None

- If an allegation involved multiple victims, count only once.
- Exclude any allegations that were reported as consensual.

**10. Of the allegations reported in Item 9, how many were —** (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)

**a. Substantiated** .....   None

**b. Unsubstantiated** .....   None

**c. Unfounded** .....   None

**d. Investigation ongoing** .....   None

**e. TOTAL** (Sum of Items 10a through 10d) .....   None

- The total should equal the number reported in Item 9.

**11. Does your State juvenile system record allegations of youth-on-youth SEXUAL HARASSMENT?** (See definitions on page 2.)

01  Yes → **Do you record all reported allegations or only substantiated ones?**

- 01  All
- 02  Substantiated only

02  No → Please provide an explanation in the space below and then skip to Item 14.

**12. Between January 1, 2013, and December 31, 2013, how many allegations of youth-on-youth SEXUAL HARASSMENT were reported?**

**Number reported** .....   None

- If an allegation involved multiple victims or staff, count only once.
- Exclude any allegations that were reported as consensual.

**13. Of the allegations reported in Item 12, how many were —** (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)

**a. Substantiated** .....   None

**b. Unsubstantiated** .....   None

**c. Unfounded** .....   None

**d. Investigation ongoing** .....   None

**e. TOTAL** (Sum of Items 13a through 13d) .....   None

- The total should equal the number reported in Item 12.

**Section III – STAFF-ON-YOUTH SEXUAL ABUSE**

**DEFINITIONS**

The survey utilizes the definition of “sexual abuse” by a staff member, contractor or volunteer as provided by 28 C.F.R. §115.6 in the *National Standards to Prevent, Detect, and Respond to Prison Rape* (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is disaggregated into two categories of staff-on-youth sexual abuse. These categories are:

**STAFF SEXUAL MISCONDUCT**

Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friends or other visitors.) Sexual relationships of a romantic nature between staff and inmates are included in this definition.

Consensual or nonconsensual sexual acts including:

- Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire;

**OR**

- Completed, attempted, threatened, or requested sexual acts;

**OR**

- Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

**STAFF SEXUAL HARASSMENT**

Repeated verbal statements, comments or gestures of a sexual nature to a youth by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors).

- Demeaning references to gender or derogatory comments about body or clothing; sexually suggestive;

**OR**

- Repeated profane or obscene language or gestures.

**14. Does your State juvenile system record allegations of STAFF SEXUAL MISCONDUCT?**

01  Yes → **Do you record all reported occurrences, or only substantiated ones?**

01  All

02  Substantiated only

02  No → *Please provide an explanation in the space below and then skip to Item 17.*

**15. Between January 1, 2013, and December 31, 2013, how many allegations of STAFF SEXUAL MISCONDUCT were reported?**

**Number reported** . . . . .   None

- If an allegation involved multiple victims, count only once.

**16. Of the allegations reported in Item 15, how many were —** *(Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)*

**a. Substantiated** . . . . .   None

**b. Unsubstantiated** . . . . .   None

**c. Unfounded** . . . . .   None

**d. Investigation ongoing** .   None

**e. TOTAL** (Sum of Items 16a through 16d) . . . . .   None

- The total should equal the number reported in Item 15.

**17. Does your State juvenile system record allegations of STAFF SEXUAL HARASSMENT?**  
(See definitions on page 5.)

- 01  Yes → **Can these allegations be counted separately from allegations of STAFF SEXUAL MISCONDUCT?**
- 01  Yes
- 02  No → Skip to Item 19.
- 02  No → Please provide an explanation in the space below and then skip to Item 19.

**18. Between January 1, 2013, and December 31, 2013, how many allegations of STAFF SEXUAL HARASSMENT were reported?**

- Number reported .....   None
- If an allegation involved multiple victims, or staff count only once.

**19. Of the allegations reported in Item 18, how many were —** (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)

- a. **Substantiated** .....   None
- b. **Unsubstantiated** .....   None
- c. **Unfounded** .....   None
- d. **Investigation ongoing** .   None
- e. **TOTAL** (Sum of Items 19a through 19d) .....   None
- The total should equal the number reported in Item 18.

**Section IV – PRIVATE AND LOCAL ALLEGATIONS**

**20. Did any of the allegations reported in items 6, 9, 12, 15, or 18 occur in a privately operated facility?**

- 01  Yes
- 02  No

**21. Did any of the allegations reported in items 6, 9, 12, 15, or 18 occur in a facility operated or administered by local governments?**

- 01  Yes
- 02  No

**Section V – TOTAL SUBSTANTIATED INCIDENTS OF SEXUAL VICTIMIZATION**

**22. What is the total number of substantiated incidents reported in Items 7a, 10a, 13a, 16a, and 19a?**

Total substantiated incidents .....   None

→ Please complete an Incident Form (Juvenile, SSV-IJ) for each substantiated incident of sexual victimization.

**NOTES**

FORM **SSV-6**  
(3-4-2014)**SURVEY OF SEXUAL VICTIMIZATION, 2013**  
**Locally or Privately-Operated Juvenile Facilities**  
**Summary Form**U.S. DEPARTMENT OF JUSTICE  
BUREAU OF JUSTICE STATISTICS  
AND ACTING AS COLLECTION AGENT  
U.S. DEPT. OF COMMERCE  
Economics and Statistics Administration  
U.S. CENSUS BUREAU**DATA SUPPLIED BY**

|                         |  |           |        |                   |           |
|-------------------------|--|-----------|--------|-------------------|-----------|
| Name                    |  | Title     |        |                   |           |
| <b>OFFICIAL ADDRESS</b> | Number and street or P.O. Box/Route Number |           | City   | State             | ZIP Code  |
|                         | <b>TELEPHONE</b>                           | Area code | Number | <b>FAX NUMBER</b> | Area Code |
| <b>E-MAIL ADDRESS</b>   |  |           |        |                   |           |

*(Please correct any error in name, mailing address, and ZIP Code)***What facilities are included in this data collection?**

All juvenile residential placement facilities operated or administered by a local government and all privately owned or operated facilities that are used to house juveniles and youthful offenders, regardless of age or reason for placement.

- INCLUDE locally-operated juvenile residential facilities; privately owned or operated juvenile residential facilities; detention centers, training schools, long-term secure facilities; reception or diagnostic centers; group homes or halfway houses; boot camps; ranches; forestry camps, wilderness or marine programs, or farms; runaway or homeless shelters; and residential treatment centers for juveniles.

- **EXCLUDE State operated juvenile residential facilities. (These facilities will be contacted directly for data on sexual victimization.)**

**What persons and incidents are included in this data collection?**

Juveniles and youthful offenders, regardless of age or reason for placement, under your custody between January 1, 2013, and December 31, 2013.

- INCLUDE incidents involving juveniles or youthful offenders under the authority, custody, or care of your confinement or community-based facilities or staff.
- **EXCLUDE incidents involving juveniles or youthful offenders held in facilities operated by your State juvenile system.**

**Reporting instructions:**

- Please complete the entire SSV-6 Form.
- If the answer to a question is "not available" or "unknown," write "DK" (do not know) in the space provided.
- If the answer to a question is "not applicable," write "NA" in the space provided.
- If the answer to a question is "none" or "zero," mark the box () provided.
- When exact numeric answers are not available, provide estimates and mark () the box beside each figure.

**Substantiated incidents of sexual violence:**

- Please complete an Incident Form (Juvenile, SSV-IJ) for each substantiated incident of sexual victimization.

**Returning forms:**

- If you need assistance, please call **Greta Clark** at the **U.S. Census Bureau** toll-free at **1-888-369-3613, option 2**, or e-mail **govs.ssv@census.gov**
- **Please return your completed questionnaire and substantiated incident forms by September 1, 2014.**
- **You may complete these forms online (see enclosed instructions). Or if you prefer, you may return these forms by mail or fax.**
- **MAIL TO:** U.S. Census Bureau, P.O. Box 5000, Jeffersonville, IN 47199-5000
- **FAX (TOLL FREE): 1-812-218-3085**

**Burden Statement**

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The burden of this collection is estimated to average 30 minutes per response, including reviewing instructions, searching existing data sources, gathering necessary data, and completing and reviewing this form. Send comments regarding this burden estimate or any aspect of this survey, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. Do not send your completed form to this address.

**DEFINITIONS**

**JUVENILES and YOUTHFUL OFFENDERS**

- Any person under the custody or care of a juvenile residential facility owned or operated by a local government or private agency.

**FACILITIES**

INCLUDE all juvenile residential placement facilities operated or administered by a local government and all privately owned or operated facilities that are used to house juveniles and youthful offenders charged with or court-adjudicated for:

- Any offense that is illegal for both adults and juveniles;

**OR**

- An offense that is ILLEGAL in your State for juveniles, but not for adults (running away, truancy, incorrigibility, curfew violations, and liquor violations).

EXCLUDE all State-operated facilities and locally or privately-operated facilities used ONLY to house juveniles for:

- Non-criminal behavior (neglect, abuse, abandonment, or dependency);

**OR**

- Being Persons in Need of Services (PINS) or Children in Need of Services (CHINS) who have assigned beds for reasons other than offenses.

**Section I - GENERAL INFORMATION**

**1. Is this facility owned by a —**

- 01  Private agency
- 02  Native American Tribal Government
- 03  State
- 04  County
- 05  Local or municipal government
- 06  Other – *Specify* ↴

**2. Is this facility operated by a —**

- 01  Private agency
- 02  Native American Tribal Government
- 03  State
- 04  County
- 05  Local or municipal government
- 06  Other – *Specify* ↴

**3. On December 31, 2013, how many persons held in this facility were —**

a. Males . . . . .

b. Females . . . . .

c. TOTAL (Sum of Items 3a to 3b) .

- Count persons held in the facility regardless of age or reason for placement. Include persons who were temporarily away but had assigned beds on December 31, 2013.

**4. On December 31, 2013, how many persons held in this facility were —**

a. Age 17 or younger . . . . .

b. Age 18 to 20 . . . . .

c. Age 21 or older . . . . .

d. TOTAL (Sum of Items 4a to 4c should equal Item 3c) . . . . .

- Count all persons held in the facility regardless of age or reason for placement. Include persons who were temporarily away but had assigned beds on December 31, 2013.

**5. Between January 1, 2013, and December 31, 2013, how many persons were admitted to or discharged from this facility?**

a. TOTAL number admitted . .

b. TOTAL number discharged .

- Include all persons admitted to this facility by a formal legal document, by the authority of the courts, or by some other official agency.
- Include all persons discharged from this facility after a period of confinement including sentence completion, pretrial releases, transfers to adult jurisdictions or to other States, and deaths.
- Exclude admissions and discharges resulting from returns from escape, administrative transfers to other juvenile facilities, or temporary release including work/school release, medical appointments, other treatment facilities, or court appearances.

**Section II – YOUTH-ON-YOUTH SEXUAL VICTIMIZATION**

**DEFINITIONS**

The survey utilizes the definition of “sexual abuse” as provided by 28 C.F.R. §115.6 in the *National Standards to Prevent, Detect, and Respond to Prison Rape* (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is disaggregated into three categories of youth-on-youth sexual victimization. These categories are:

**NONCONSENSUAL SEXUAL ACTS**

Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse;

**AND**

- Contact between the penis and the vulva or the penis and the anus including penetration, however slight;

**OR**

- Contact between the mouth and the penis, vulva, or anus;

**OR**

- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

**ABUSIVE SEXUAL CONTACT**

Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse;

**AND**

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.
- Exclude incidents in which the contact was incidental to a physical altercation.

**SEXUAL HARASSMENT**

Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth directed toward another.

**6. Does your facility record allegations of youth-on-youth NONCONSENSUAL SEXUAL ACTS?**

01  Yes → **a. Do you record all reported occurrences, or only substantiated ones?**

- 01  All
- 02  Substantiated only

**b. Do you record attempted NONCONSENSUAL SEXUAL ACTS or only completed ones?**

- 01  Both attempted and completed
- 02  Completed only

02  No → *Please provide the definition used by your facility for youth-on-youth NONCONSENSUAL SEXUAL ACTS in the space below. Use that definition to complete Items 7 and 8.*

**7. Between January 1, 2013, and December 31, 2013, how many allegations of youth-on-youth NONCONSENSUAL SEXUAL ACTS were reported?**

**Number reported** . . . . .   None

- If an allegation involved multiple victims, count only once.
- Exclude any allegations that were reported as consensual.

**8. Of the allegations reported in Item 7, how many were —** *(Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)*

**a. Substantiated** . . . . .   None

- The event was investigated and determined to have occurred, based on the preponderance of evidence (28 C.F.R. §115.72).

**b. Unsubstantiated** . . . . .   None

- The investigation concluded that evidence was insufficient to determine whether or not the event occurred.

**c. Unfounded** . . . . .   None

- The investigation determined that the event did NOT occur.

**d. Investigation ongoing** . . . . .   None

- Evidence is still being gathered, processed or evaluated, and a final determination has not yet been made.

**e. TOTAL** (Sum of Items 8a through 8d) . . . . .   None

- The total should equal the number reported in Item 7.

**9. Does your facility record allegations of youth-on-youth ABUSIVE SEXUAL CONTACT?**  
(See definitions on page 3.)

01  Yes → **Can these be counted separately from allegations of NONCONSENSUAL SEXUAL ACTS?**

01  Yes

02  No → Skip to Item 12.

02  No → Please provide an explanation in the space below and then skip to Item 12.

**10. Between January 1, 2013, and December 31, 2013, how many allegations of youth-on-youth ABUSIVE SEXUAL CONTACT were reported?**

Number reported .....   None

- If an allegation involved multiple victimizations, count only once.
- Exclude any allegations that were reported as consensual.

**11. Of the allegations reported in Item 10, how many were —** (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)

a. **Substantiated** .....   None

b. **Unsubstantiated** .....   None

c. **Unfounded** .....   None

d. **Investigation ongoing** . . .   None

e. **TOTAL** (Sum of Items 11a through 11d) .....   None

- The total should equal the number reported in Item 10.

**12. Does your facility record allegations of youth-on-youth SEXUAL HARASSMENT?**  
(See definitions on page 3.)

01  Yes → **Do you record all reported allegations or only substantiated ones?**

01  All

02  Substantiated only

02  No → Please provide an explanation in the space below and then skip to Item 15.

**13. Between January 1, 2013, and December 31, 2013, how many allegations of youth-on-youth SEXUAL HARASSMENT were reported?**

Number reported .....   None

- If an allegation involved multiple victims or multiple youth perpetrators, count only once.
- Exclude any allegations that were reported as consensual.

**14. Of the allegations reported in Item 13, how many were —** (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)

a. **Substantiated** .....   None

b. **Unsubstantiated** . . . . .   None

c. **Unfounded** .....   None

d. **Investigation ongoing** .   None

e. **TOTAL** (Sum of Items 14a through 14d) .....   None

- The total should equal the number reported in Item 13.



**Section III – STAFF-ON-YOUTH SEXUAL ABUSE**

**DEFINITIONS**

The survey utilizes the definition of “sexual abuse” by a staff member, contractor or volunteer as provided by 28 C.F.R. §115.6 in the *National Standards to Prevent, Detect, and Respond to Prison Rape* (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is disaggregated into two categories of staff-on-youth sexual abuse. These categories are:

**STAFF SEXUAL MISCONDUCT**

Any behavior or act of a sexual nature directed toward a youth by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friends or other visitors.) Sexual relationships of a romantic nature between staff and youth are included in this definition.

Consensual or nonconsensual sexual acts including:

- Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire;

**OR**

- Completed, attempted, threatened, or requested sexual acts;

**OR**

- Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

**STAFF SEXUAL HARASSMENT**

Repeated verbal statements, comments or gestures of a sexual nature to a youth by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors).

- Demeaning references to gender or derogatory comments about body or clothing; sexually suggestive;

**OR**

- Repeated profane or obscene language or gestures.

**15. Does your facility record allegations of STAFF SEXUAL MISCONDUCT?**

01  Yes → **Do you record all reported occurrences, or only substantiated ones?**

01  All

02  Substantiated only

02  No → *Please provide an explanation in the space below and then skip to Item 18.*

**16. Between January 1, 2013, and December 31, 2013, how many allegations of STAFF SEXUAL MISCONDUCT were reported?**

Number reported . . . . .   None

- If an allegation involved multiple victims, count only once.

**17. Of the allegations reported in Item 16, how many were —** *(Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)*

**a. Substantiated** . . . . .   None

**b. Unsubstantiated** . . . . .   None

**c. Unfounded** . . . . .   None

**d. Investigation ongoing**   None

**e. TOTAL** (Sum of Items 17a through 17d) . . . . .   None

- The total should equal the number reported in Item 16.



**18. Does your facility record allegations of STAFF SEXUAL HARASSMENT ?** (See definitions on page 5.)

01  Yes → **Can these allegations be counted separately from allegations of STAFF SEXUAL MISCONDUCT?**

01  Yes

02  No → Skip to Item 21

02  No → Please provide an explanation in the space below and then skip to Item 21.

**19. Between January 1, 2013, and December 31, 2013, how many allegations of STAFF SEXUAL HARASSMENT were reported?**

Number reported .....   None

- If an allegation involved multiple victims or staff, count only once.

**20. Of the allegations reported in Item 19, how many were —** (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)

**a. Substantiated** .....   None

**b. Unsubstantiated** .....   None

**c. Unfounded** .....   None

**d. Investigation ongoing** .   None

**e. TOTAL** (Sum of Items 20a through 20d) .....   None

- The total should equal the number reported in Item 19.

**Section IV – TOTAL SUBSTANTIATED INCIDENTS OF SEXUAL VICTIMIZATION**

**21. What is the total number of substantiated incidents reported in Items 8a, 11a, 14a, 17a, and 20a.**

**Total substantiated incidents** .....   None

→ **Please complete an Incident Form (Juvenile, SSV-IJ) for each substantiated incident of sexual victimization.**

**NOTES**



**SURVEY OF SEXUAL VICTIMIZATION, 2013**  
**Incident Form (Adult)**

Incident Number \_\_\_ out of \_\_\_

**1. On what date did the incident occur?**  
*(If more than one date, report the most recent.)*

Month Day Year

**2. In what facility did the incident occur?**

Name

City/Place

**3. Where did the incident occur?** *(Mark (X) all that apply.)*

- 01  In the victim's cell or room (e.g., if the victim and perpetrator share a cell or room, count as the victim's cell)
- 02  In the perpetrator's cell or room
- 03  In a dormitory or other multiple housing unit
- 04  In a common area (e.g., shower, dayroom, or bathroom)
- 05  In a temporary holding cell or intake area within the facility
- 06  In a program service area (e.g., commissary, kitchen, storage, laundry, cafeteria, workshop, or hallway)
- 07  Instructional area (e.g., classroom, school, library, conference room)
- 08  Recreation area (e.g., yard, courtyard, gymnasium)
- 09  Medical area (e.g., infirmary, health clinic)
- 10  Staff area (e.g., office, break room, or counselor's office)
- 11  Offsite or while in transit
- 12  Other - *Specify*
- 13  Location unknown

**4. Did the incident take place in an area subject to video monitoring?**

- 01  Yes
- 02  No
- 03  Don't know

**5. What time did the incident occur?**  
*(Mark (X) all that apply.)*

- 01  Morning (6 a.m. to noon)
- 02  Afternoon (noon to 6 p.m.)
- 03  Evening (6 p.m. to midnight)
- 04  Overnight (midnight to 6 a.m.)
- 05  Time unknown

**6. How many victims were involved in the incident?**

Number of victims . . .

**→ If more than two victims were reported, report these characteristics in Notes.**

**7. Victim #1: What was the victim's gender?**  
*(See definitions on page 5.)*

- 01  Male
- 02  Female
- 03  Transgender
- 04  Intersex

**8. Victim #1: What was the victim's age at the time of the incident?**

- 01  Under age 18
- 02  18 - 24
- 03  25 - 29
- 04  30 - 34
- 05  35 - 39
- 06  40 - 44
- 07  45 - 54
- 08  55 and over

**9. Victim #1: What was the victim's race/ethnic origin?**  
*(Mark (X) all that apply.)*

- 01  White *(not of Hispanic origin)*
- 02  Black *(not of Hispanic origin)*
- 03  Hispanic or Latino
- 04  American Indian/Alaska Native *(not of Hispanic origin)*
- 05  Asian *(not of Hispanic origin)*
- 06  Native Hawaiian or Other Pacific Islander *(not of Hispanic origin)*
- 07  Other racial category in your information system - *Specify*

**10. Victim #2: What was the victim's gender?**  
*(See definitions on page 5.)*

- 01  Male
- 02  Female
- 03  Transgender
- 04  Intersex

**11. Victim #2: What was the victim's age at the time of the incident?**

- 01  Under age 18
- 02  18 - 24
- 03  25 - 29
- 04  30 - 34
- 05  35 - 39
- 06  40 - 44
- 07  45 - 54
- 08  55 and over

**Burden Statement**

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The burden of this collection is estimated to average 30 minutes per response, including reviewing instructions, searching existing data sources, gathering necessary data, and completing and reviewing this form. Send comments regarding this burden estimate or any aspect of this survey, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. Do not send your completed form to this address.

**12. Victim #2: What was the victim's race/ethnic origin?**  
(Mark (X) all that apply.)

- 01  White (not of Hispanic origin)
- 02  Black (not of Hispanic origin)
- 03  Hispanic or Latino
- 04  American Indian/Alaska Native (not of Hispanic origin)
- 05  Asian (not of Hispanic origin)
- 06  Native Hawaiian or Other Pacific Islander (not of Hispanic origin)
- 07  Other racial category in your information system – Specify ↴

**13. Did the victim(s) sustain any physical injury during the incident?**

- 02  No (No injury sustained)
- 01  Yes → a. **What injuries occurred?**  
(Mark (X) all that apply for all victims.)
  - 01  Knife or stab wounds
  - 02  Broken bones
  - 03  Anal or vaginal tearing
  - 04  Chipped or knocked out teeth
  - 05  Internal injuries
  - 06  Knocked unconscious
  - 07  Bruises, black eye, sprains, cuts, scratches, swelling, welts
  - 08  Other – Specify ↴

→ b. **Did the victim(s) receive medical treatment for these injuries?**

- 01  Yes
- 02  No

**14. Who reported the incident?**  
(Mark (X) all that apply.)

- 01  Victim
- 02  Another inmate (non-victim)
- 03  Victim's family or friend
- 04  Correctional officer or front line staff
- 05  Administrative staff
- 06  Medical, healthcare, or mental health staff
- 07  Instructor, teacher, or counselor
- 08  Other staff (e.g., kitchen worker, maintenance)
- 09  Chaplain or other religion official
- 10  Perpetrator
- 11  Perpetrator's family or friend
- 12  Grievance coordinator, grievance process, or ombudsperson
- 13  Attorney or legal guardian (e.g., other than family member)
- 14  Confidential informant, anonymous tip, hot line, or through monitoring (e.g., camera, telephone, or mail)
- 15  Other – Specify ↴

**15. After the incident was reported, was the victim(s) – (Mark (X) all that apply for all victims.)**

- 01  Given a medical examination
- 02  Administered a rape kit
- 03  Tested for HIV/AIDS
- 04  Tested for other sexually transmitted diseases
- 05  Provided with counseling or mental health treatment
- 06  Offered but declined testing or treatment
- 07  Already released/discharged
- 08  None of the above

**16. After the incident was reported, was the victim(s) – (Mark (X) all that apply for all victims.)**

- 01  Placed in or returned to administrative segregation, protective custody, or disciplinary segregation
- 02  Placed in a medical unit, ward, or hospital
- 03  Confined to own cell or room
- 04  Given a higher custody level or different unit within the facility
- 05  Transferred to another facility
- 06  Transferred to another housing unit or dorm, or given a single room or cell
- 07  Separated from perpetrator
- 08  Issued disciplinary report or loss of privileges
- 09  Placed in camera room, under closer surveillance, or increased supervision
- 10  Other – Specify ↴

- 11  None of the above

**17. What type of sexual violence was involved in the incident?** (See definitions on page 5.)

- 01  Inmate-on-inmate nonconsensual sexual act → Complete Section A
- 02  Inmate-on-inmate abusive sexual contact → Complete Section A
- 03  Inmate-on-inmate sexual harassment → Complete Section A
- 04  Staff sexual misconduct → Complete Section B
- 05  Staff sexual harassment → Complete Section B

**Section A – INMATE-ON-INMATE SEXUAL VICTIMIZATION**

**18. How many perpetrators were involved in the incident?**

Number of perpetrators . . .

§ **If more than two perpetrators were involved, report these characteristics in Notes.**

**19. Perpetrator # 1: What was the perpetrator's gender?** (See definitions on page 5.)

- 01  Male                      03  Transgender  
 02  Female                    04  Intersex

**20. Perpetrator # 1: What was the perpetrator's age at the time of the incident?**

- 01  Under age 18    04  30-34    07  45-54  
 02  18-24            05  35-39    08  55 and over  
 03  25-29            06  40-44

**21. Perpetrator # 1: What was the perpetrator's race/ethnic origin?** (Mark (X) all that apply.)

- 01  White (not of Hispanic origin)  
 02  Black (not of Hispanic origin)  
 03  Hispanic or Latino  
 04  American Indian/Alaska Native (not of Hispanic origin)  
 05  Asian (not of Hispanic origin)  
 06  Native Hawaiian or Other Pacific Islander (not of Hispanic Origin)  
 07  Other racial category in your information system – Specify ↴

**22. Perpetrator #2: What was the perpetrator's gender?** (See definitions on page 5.)

- 01  Male                      03  Transgender  
 02  Female                    04  Intersex

**23. Perpetrator #2: What was the perpetrator's age at the time of the incident?**

- 01  Under age 18    04  30-34    07  45-54  
 02  18-24            05  35-39    08  55 and over  
 03  25-29            06  40-44

**24. Perpetrator #2: What was the perpetrator's race/ethnic origin?** (Mark (X) all that apply.)

- 01  White (not of Hispanic origin)  
 02  Black (not of Hispanic origin)  
 03  Hispanic or Latino  
 04  American Indian/Alaska Native (not of Hispanic origin)  
 05  Asian (not of Hispanic origin)  
 06  Native Hawaiian or Other Pacific Islander (not of Hispanic Origin)  
 07  Other racial category in your information system – Specify ↴

**25. What was the nature of the incident?** (Mark (X) all that apply.)

- 01  Voluntary sexual contact between adults  
 02  Sexual harassment  
 03  Indecent exposure, masturbation, or voyeurism  
 04  Horseplay  
 05  Repeated and unwelcome sexual advances or requests for sexual favors  
 06  Unwanted touching for sexual gratification or abusive sexual contact  
 07  Pressure or coercion (without force) resulting in a nonconsensual sexual act  
 08  Physical force (or the threat of force) resulting in a nonconsensual sexual act  
 09  Other – Specify ↴

**26. What type of pressure or physical force was used by the perpetrator on the victim?** (Mark (X) all that apply for all perpetrators.)

- 01  Sexual harassment, sexual innuendo, or verbal comments  
 02  Persuasion or talked into sexual activity  
 03  Surprised the victim with unwanted touching, grabbing or groping, or victim was asleep  
 04  Bribery or blackmail  
 05  Gave victim drugs or alcohol  
 06  Offered protection from other inmates  
 07  Threatened with physical harm  
 08  Physically held victim down or restrained in some way  
 09  Physically harmed or injured  
 10  Threatened with a weapon  
 11  Other – Specify ↴

12  None

**27. What sanction was imposed on the perpetrator(s)?** (Mark (X) all that apply for all perpetrators.)

- 01  Placed in solitary confinement or disciplinary segregation  
 02  Confined to own cell or room  
 03  Placed in higher custody level, restricted unit or program, within the same facility  
 04  Transferred to other unit/cell or separated from victim  
 05  Transferred to another facility  
 06  Loss of "good/gain" time, increase in "bad" time or delayed release  
 07  Given extra work  
 08  Loss of privileges, disciplinary report or conduct violation, or other reprimand  
 09  Sent to counseling or treatment team  
 10  Arrested or referred to law enforcement agency  
 11  Referred for prosecution or indicted  
 12  Convicted, given new sentence, or fined  
 13  Other – Specify ↴

**Section B – STAFF-ON-INMATE SEXUAL ABUSE**

**28. What was the nature of the incident?**

(Mark (X) all that apply.)

- 01  Physical force resulting in a nonconsensual sexual act
- 02  Pressure or abuse of power resulting in a nonconsensual sexual act
- 03  Indecent exposure, invasion of privacy, or voyeurism for sexual gratification
- 04  Unwanted touching for sexual gratification
- 05  Sexual harassment or repeated verbal statements of a sexual nature by staff
- 06  Wrote letters to inmate, showed pictures, offered gifts, or special privileges
- 07  Sexual relationship between inmate and staff that appeared to be willing
- 08  Other – Specify  \_\_\_\_\_
- 09  Level of coercion unknown

**29. How many staff were involved in the incident?**

Number of staff . . .

→ If more than two staff were involved, report these characteristics in Notes.

**30. Staff #1: What was the gender of the staff?**

- 01  Male
- 02  Female

**31. Staff #1: What was the age of the staff at the time of the incident?**

- 01  24 or younger
- 02  25 – 29
- 03  30 – 34
- 04  35 – 39
- 05  40 – 44
- 06  45 – 54
- 07  55 or older

**32. Staff #1: What was the race/ethnic origin of the staff involved in the incident?**

(Mark (X) all that apply.)

- 01  White (not of Hispanic origin)
- 02  Black (not of Hispanic origin)
- 03  Hispanic or Latino
- 04  American Indian/Alaska Native (not of Hispanic origin)
- 05  Asian (not of Hispanic origin)
- 06  Native Hawaiian or Other Pacific Islander (not of Hispanic origin)
- 07  Other racial category in your information system – Specify  \_\_\_\_\_

**33. Staff #2: What was the gender of the staff?**

- 01  Male
- 02  Female
- 03  Transgender
- 04  Intersex

**34. Staff #2: What was the age of the staff at the time of the incident?**

- 01  24 or younger
- 02  25 – 29
- 03  30 – 34
- 04  35 – 39
- 05  40 – 44
- 06  45 – 54
- 07  55 or older

**35. Staff #2: What was the race/ethnic origin of the staff involved in the incident?**

(Mark (X) all that apply.)

- 01  White (not of Hispanic origin)
- 02  Black (not of Hispanic origin)
- 03  Hispanic or Latino
- 04  American Indian/Alaska Native (not of Hispanic origin)
- 05  Asian (not of Hispanic origin)
- 06  Native Hawaiian or Other Pacific Islander (not of Hispanic origin)
- 07  Other racial category in your information system – Specify  \_\_\_\_\_

**36. Was the staff involved in the incident an employee of the facility, a contractor, or a volunteer?**

(Mark (X) all that apply for all staff involved.)

- 01  Full or part-time paid employee
- 02  Contract employee or vendor
- 03  Volunteer or intern
- 04  Other – Specify  \_\_\_\_\_

**37. What was the primary position description of the staff involved in the incident?**

(Mark (X) all that apply for all staff involved.)

- 01  Administrator, including wardens, superintendents, assistants and others in administrative positions
- 02  Correctional officer or supervision staff
- 03  Clerical including secretaries, clerks, receptionists, and other administrative support
- 04  Maintenance and other facility support staff, including groundskeepers, janitors, cooks, and drivers
- 05  Medical or health care staff, including counselors, doctors, dentists, psychologists, psychiatrists, social workers, nurses, and medical assistants
- 06  Education staff, including instructors, teachers, librarians, and education assistants
- 07  Other program staff
- 08  Volunteers or Interns
- 09  Other staff – Specify  \_\_\_\_\_

**38. What sanction was imposed on the staff?**

(Mark (X) all that apply for all staff involved.)

- 01  Sent to training or counseling
- 02  Reprimanded or disciplined
- 03  Demoted or diminished responsibilities, or temporary suspension
- 04  Transferred to another facility or unit
- 05  Arrested or referred to law enforcement agency
- 06  Referred for prosecution or indicted
- 07  Convicted, plead guilty, sentenced, or fined
- 08  Discharged, terminated, or contract not renewed
- 09  Staff resigned (prior to completion of investigation)
- 10  Staff resigned (after investigation was completed)
- 11  Other – Specify

12  No action taken

**39. At the time of the incident, how long had the staff worked at the facility?**

(Mark (X) all that apply for all staff involved.)

- 01  Less than 6 months
- 02  6 months to 1 year
- 03  1 to 5 years
- 04  5 to 10 years
- 05  More than 10 years

**NOTES**

**Definitions**

**Sexual victimization:**

**NONCONSENSUAL SEXUAL ACTS** Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse;

**AND**

Contact between the penis and the vulva or the penis and the anus including penetration, however slight; OR Contact between the mouth and the penis, vulva, or anus;

**OR**

Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument

**ABUSIVE SEXUAL CONTACT (less severe)** Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse;

**AND**

Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person:

**EXCLUDE**

Incidents in which the contact was incidental to a physical altercation.

**SEXUAL HARASSMENT BY ANOTHER INMATE** Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another.

**STAFF SEXUAL MISCONDUCT** Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friends or other visitors.) Sexual relationships of a romantic nature between staff and inmates are included in this definition.

Consensual or nonconsensual sexual acts including: Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire;

**OR**

Completed, attempted, threatened, or requested sexual acts;

**OR**

Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

**STAFF SEXUAL HARASSMENT** Repeated verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (excludes family, friends, or other visitors). Demeaning references to gender or derogatory comments about body or clothing; sexually suggestive;

**OR**

Repeated profane or obscene language or gestures.

**Gender categories:**

**TRANSGENDER** A person whose gender identity (*i.e., internal sense of feeling male or female*) is different from the person's assigned sex at birth.

**INTERSEX** A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.





**SURVEY OF SEXUAL VICTIMIZATION, 2013**

**Incident Form (Juvenile)**

U.S. DEPARTMENT OF JUSTICE  
BUREAU OF JUSTICE STATISTICS  
and ACTING AS COLLECTION AGENT  
U.S. DEPT. OF COMMERCE  
Economics and Statistics Admin.  
U.S. CENSUS BUREAU

State \_\_\_\_\_

Incident Number \_\_\_ out of \_\_\_

**1. On what date did the incident occur?**

*(If more than one date, report the most recent.)*

Month Day Year  
[ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]

**2. In what facility did the incident occur?**

Name  
\_\_\_\_\_  
City/Place  
\_\_\_\_\_

**3. Where did the incident occur?** *(Mark (X) all that apply.)*

- 01  In the victim's cell or room (e.g., if the victim and perpetrator share a cell or room, count as the victim's cell)
- 02  In the perpetrator's cell or room
- 03  In a dormitory or other multiple housing unit
- 04  In a common area (e.g., shower, dayroom, or bathroom)
- 05  In a temporary holding cell or admissions area within the facility
- 06  In a program service area (e.g., commissary, kitchen, storage, laundry, cafeteria, workshop, or hallway)
- 07  Instructional area (e.g., classroom, school, library, conference room)
- 08  Recreation area (e.g., yard, courtyard, gymnasium)
- 09  Medical area (e.g., infirmary, health clinic)
- 10  Staff area (office, break room, counselor's office)
- 11  Offsite or while in transit
- 12  Other - *Specify*  \_\_\_\_\_
- 13  Location unknown

**4. Did the incident take place in an area subject to video monitoring?**

- 01  Yes
- 02  No
- 03  Don't know

**5. What time did the incident occur?**

*(Mark (X) all that apply.)*

- 01  Morning (6 a.m. to noon)
- 02  Afternoon (noon to 6 p.m.)
- 03  Evening (6 p.m. to midnight)
- 04  Overnight (midnight to 6 a.m.)
- 05  Unknown

**6. How many victims were involved in the incident?**

Number of victims . . . [ ]

→ **If more than two victims were involved, report these characteristics in Notes.**

**7. Victim #1: What was the victim's gender?**

*(See definitions on page 5.)*

- 01  Male
- 02  Female
- 03  Transgender
- 04  Intersex

**8. Victim #1: What was the victim's age at the time of the incident?**

- 01  Under the age of 13
- 02  13-15
- 03  16-17
- 04  18-19
- 05  20-24
- 06  25 or older

**9. Victim #1: What was the victim's race/ethnic origin?**

*(Mark (X) all that apply.)*

- 01  White *(not of Hispanic origin)*
- 02  Black *(not of Hispanic origin)*
- 03  Hispanic or Latino
- 04  American Indian/Alaska Native *(not of Hispanic origin)*
- 05  Asian *(not of Hispanic origin)*
- 06  Native Hawaiian or Other Pacific Islander *(not of Hispanic origin)*
- 07  Other racial category in your information system - *Specify*  \_\_\_\_\_

**10. Victim #2: What was the victim's gender?**

*(See definitions on page 5.)*

- 01  Male
- 02  Female
- 03  Transgender
- 04  Intersex

**11. Victim #2: What was the victim's age at the time of the incident?**

- 01  Under the age of 13
- 02  13-15
- 03  16-17
- 04  18-19
- 05  20-24
- 06  25 or older

**Burden Statement**

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The burden of this collection is estimated to average 30 minutes per response, including reviewing instructions, searching existing data sources, gathering necessary data, and completing and reviewing this form. Send comments regarding this burden estimate or any aspect of this survey, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. Do not send your completed form to this address.

**12. Victim #2: What was the victim's race/ethnic origin?**  
(Mark (X)) all that apply.)

- 01  White (not of Hispanic origin)
- 02  Black (not of Hispanic origin)
- 03  Hispanic or Latino
- 04  American Indian/Alaska Native (not of Hispanic origin)
- 05  Asian (not of Hispanic origin)
- 06  Native Hawaiian or Other Pacific Islander (not of Hispanic origin)
- 07  Other racial category in your information system – Specify

**13. Did the victim(s) sustain any physical injury during the incident?**

- 02  No (No injury sustained)
- 01  Yes → **a. What injuries occurred?**  
(Mark (X)) all that apply for all victims.)
  - 01  Knife or stab wounds
  - 02  Broken bones
  - 03  Anal or vaginal tearing
  - 04  Chipped or knocked out teeth
  - 05  Internal injuries
  - 06  Knocked unconscious
  - 07  Bruises, black eye, sprains, cuts, scratches, swelling, welts
  - 08  Other – Specify

→ **b. Did the victim(s) receive medical treatment for these injuries?**

- 01  Yes
- 02  No

**14. Who reported the incident?**  
(Mark (X)) all that apply.)

- 01  Victim
- 02  Another youth (non-victim)
- 03  Victim's family or friend
- 04  Correctional officer or front line staff
- 05  Administrative staff
- 06  Medical, healthcare, or mental health staff
- 07  Instructor, teacher, or counselor
- 08  Other staff (e.g., kitchen worker, maintenance)
- 09  Chaplain or other religious official
- 10  Perpetrator
- 11  Perpetrator's family or friend
- 12  Grievance coordinator, grievance process, or ombudsperson
- 13  Attorney or legal guardian (e.g., other than family member)
- 14  Confidential informant, anonymous tip, hot line, or through monitoring (e.g., camera, telephone, or mail)
- 15  Other – Specify

**15. After the incident was reported, was the victim(s) – (Mark (X)) all that apply for all victims.)**

- 01  Given a medical examination
- 02  Administered a rape kit
- 03  Tested for HIV/AIDS
- 04  Tested for other sexually transmitted diseases
- 05  Provided with counseling or mental health treatment
- 06  Offered but declined testing or treatment
- 07  Already released/discharged
- 08  None of the above

**16. After the incident was reported, was the victim(s) – (Mark (X)) all that apply for all victims.)**

- 01  Placed in or returned to administrative segregation, protective custody, or disciplinary segregation
- 02  Placed in a medical unit, ward, or hospital
- 03  Confined to own cell or room
- 04  Given a higher custody level/different unit within the facility
- 05  Transferred to another facility
- 06  Transferred to another housing unit or dorm, or given a single room or cell
- 07  Separated from perpetrator
- 08  Issued disciplinary report or loss of privileges
- 09  Placed in camera room, under closer surveillance, or increased supervision
- 10  Other – Specify

- 11  None of the above

**17. What type of sexual violence was involved in the incident? (See definitions on page 5.)**

- 01  Youth-on-youth nonconsensual sexual act → Complete Section A
- 02  Youth-on-youth abusive sexual contact → Complete Section A
- 03  Youth-on-youth abusive sexual harassment → Complete Section A
- 04  Staff sexual misconduct → Complete Section B
- 05  Staff sexual harassment → Complete Section B

**Section A – YOUTH-ON-YOUTH SEXUAL VICTIMIZATION**

**18. How many perpetrators were involved in the incident?**

Number of perpetrators . . .

→ **If more than two perpetrators were involved, report these characteristics in Notes.**



**19. Perpetrator #1: What was the perpetrator's gender?** (See definitions on page 5.)

- 01  Male                      03  Transgender  
 02  Female                    04  Intersex

**20. Perpetrator #1: What was the perpetrator's age at the time of the incident?**

- 01  Under the age of 13      04  18–19  
 02  13–15                        05  20–24  
 03  16–17                        06  25 or older

**21. Perpetrator #1: What was the perpetrator's race/ethnic origin?** (Mark (X) all that apply.)

- 01  White (not of Hispanic origin)  
 02  Black (not of Hispanic origin)  
 03  Hispanic or Latino  
 04  American Indian/Alaska Native (not of Hispanic origin)  
 05  Asian (not of Hispanic origin)  
 06  Native Hawaiian or Other Pacific Islander (not of Hispanic Origin)  
 07  Other racial category in your information system – Specify ↴

**22. Perpetrator #2: What was the perpetrator's gender?** (See definitions on page 5.)

- 01  Male                      03  Transgender  
 02  Female                    04  Intersex

**23. Perpetrator #2: What was the perpetrator's age at the time of the incident?**

- 01  Under the age of 13      04  18–19  
 02  13–15                        05  20–24  
 03  16–17                        06  25 or older

**24. Perpetrator #2: What was the perpetrator's race/ethnic origin?** (Mark (X) all that apply.)

- 01  White (not of Hispanic origin)  
 02  Black (not of Hispanic origin)  
 03  Hispanic or Latino  
 04  American Indian/Alaska Native (not of Hispanic origin)  
 05  Asian (not of Hispanic origin)  
 06  Native Hawaiian or Other Pacific Islander (not of Hispanic Origin)  
 07  Other racial category in your information system – Specify ↴

**25. What was the nature of the incident?**

(Mark (X) all that apply.)

- 01  Voluntary sexual contact between youths  
 02  Sexual harassment  
 03  Indecent exposure, masturbation, or voyeurism  
 04  Horseplay  
 05  Repeated and unwelcome sexual advances or requests for sexual favors  
 06  Unwanted touching for sexual gratification or abusive sexual contact  
 07  Pressure or coercion (without force) resulting in a nonconsensual sexual act  
 08  Physical force (or the threat of force) resulting in a nonconsensual sexual act  
 09  Other – Specify ↴

**26. What type of pressure or physical force was used by the perpetrator on the victim?**

(Mark (X) all that apply for all perpetrators.)

- 01  Sexual harassment, sexual innuendo, or verbal comments  
 02  Persuasion or talked into sexual activity  
 03  Surprised the victim with unwanted touching, grabbing or groping, or victim was asleep  
 04  Bribery or blackmail  
 05  Gave victim drugs or alcohol  
 06  Offered protection from other youth  
 07  Threatened with physical harm  
 08  Physically held victim down or restrained in some way  
 09  Physically harmed or injured  
 10  Threatened with a weapon  
 11  Other – Specify ↴

- 12  None

**27. What sanction was imposed on the perpetrator(s)?** (Mark (X) all that apply for all perpetrators.)

- 01  Placed in solitary confinement or disciplinary segregation  
 02  Confined to own cell or room  
 03  Placed in higher custody level, restricted unit or program, within the same facility  
 04  Transferred to other unit/cell or separated from victim  
 05  Transferred to another facility  
 06  Loss of "good/gain" time or increase in "bad" time/delayed release  
 07  Given extra work  
 08  Loss of privileges, disciplinary report or conduct violation, or other reprimand  
 09  Sent to counseling or treatment team  
 10  Arrested or referred to law enforcement agency  
 11  Referred for prosecution or indicted  
 12  Convicted, given new sentence, or fined  
 13  Other – Specify ↴

**Section B – STAFF-ON-YOUTH SEXUAL ABUSE**

**28. What was the nature of the incident?**

(Mark (X) all that apply.)

- 01  Physical force resulting in a nonconsensual sexual act
- 02  Pressure or abuse of power resulting in a nonconsensual sexual act
- 03  Indecent exposure, invasion of privacy, or voyeurism for sexual gratification
- 04  Unwanted touching for sexual gratification
- 05  Sexual harassment or repeated verbal statements of a sexual nature by staff
- 06  Wrote letters to youth, showed pictures, offered gifts, or special privileges
- 07  Sexual relationship between youth and staff that appeared to be willing
- 08  Other – Specify  \_\_\_\_\_
- 09  Level of coercion unknown

**29. How many staff were involved in the incident?**

Number of staff . . .

→ If more than two staff were involved, report these characteristics in Notes.

**30. Staff #1: What was the gender of the staff?**

- 01  Male
- 02  Female

**31. Staff #1: What was the age of the staff at the time of the incident?**

- 01  24 or younger
- 02  25 – 29
- 03  30 – 34
- 04  35 – 39
- 05  40 – 44
- 06  45 – 54
- 07  55 or older

**32. Staff #1: What was the race/ethnic origin of the staff involved in the incident?**

(Mark (X) all that apply.)

- 01  White (not of Hispanic origin)
- 02  Black (not of Hispanic origin)
- 03  Hispanic or Latino
- 04  American Indian/Alaska Native (not of Hispanic origin)
- 05  Asian (not of Hispanic origin)
- 06  Native Hawaiian or Other Pacific Islander (not of Hispanic origin)
- 07  Other racial category in your information system – Specify  \_\_\_\_\_

**33. Staff #2: What was the gender of the staff?**

- 01  Male
- 02  Female

**34. Staff #2: What was the age of the staff at the time of the incident?**

- 01  24 or younger
- 02  25 – 29
- 03  30 – 34
- 04  35 – 39
- 05  40 – 44
- 06  45 – 54
- 07  55 or older

**35. Staff #2: What was the race/ethnic origin of the staff involved in the incident?**

(Mark (X) all that apply.)

- 01  White (not of Hispanic origin)
- 02  Black (not of Hispanic origin)
- 03  Hispanic or Latino
- 04  American Indian/Alaska Native (not of Hispanic origin)
- 05  Asian (not of Hispanic origin)
- 06  Native Hawaiian or Other Pacific Islander (not of Hispanic origin)
- 07  Other racial category in your information system – Specify  \_\_\_\_\_

**36. Was the staff involved in the incident an employee of the facility, a contractor, or a volunteer?**

(Mark (X) all that apply for all staff involved.)

- 01  Full or part-time paid employee
- 02  Contract employee or vendor
- 03  Volunteer or intern
- 04  Other – Specify  \_\_\_\_\_

**37. What was the primary position description of the staff involved in the incident?**

(Mark (X) all that apply for all staff involved.)

- 01  Administrator, including wardens, superintendents, assistants and others in administrative positions
- 02  Correctional officer or supervision staff
- 03  Clerical including secretaries, clerks, receptionists, and other administrative support
- 04  Maintenance and other facility support staff, including groundskeepers, janitors, cooks, and drivers
- 05  Medical or health care staff, including counselors, doctors, dentists, psychologists, psychiatrists, social workers, nurses, and medical assistants
- 06  Education staff, including instructors, teachers, librarians, and education assistants
- 07  Other program staff
- 08  Volunteers or Interns
- 09  Other staff – Specify  \_\_\_\_\_

**38. What sanction was imposed on the staff?**

(Mark (X) all that apply for all staff involved.)

- 01  Sent to training or counseling
- 02  Reprimanded or disciplined
- 03  Demoted or diminished responsibilities, or temporary suspension
- 04  Transferred to another facility or unit
- 05  Arrested or referred to outside law enforcement agency
- 06  Referred for prosecution or indicted
- 07  Convicted, plead guilty, sentenced, or fined
- 08  Discharged, terminated, or contract not renewed
- 09  Staff resigned (prior to completion of investigation)
- 10  Staff resigned (after investigation was completed)
- 11  Other – Specify

12  No action taken

**39. At the time of the incident, how long had the staff worked at the facility?**

(Mark (X) all that apply for all staff involved.)

- 01  Less than 6 months
- 02  6 months to 1 year
- 03  1 to 5 years
- 04  5 to 10 years
- 05  More than 10 years

**NOTES**

**Definitions**

**Sexual victimization:**

**NONCONSENSUAL SEXUAL ACTS** Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse;

**AND**

Contact between the penis and the vulva or the penis and the anus including penetration, however slight; OR Contact between the mouth and the penis, vulva, or anus;

**OR**

Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

**ABUSIVE SEXUAL CONTACT (less severe)** Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse;

**AND**

Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

**EXCLUDE**

Incidents in which the contact was incidental to a physical altercation.

**SEXUAL HARASSMENT BY ANOTHER YOUTH** Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth directed toward another.

**STAFF SEXUAL MISCONDUCT** Any behavior or act of a sexual nature directed toward a youth by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors). Sexual relationships of a romantic nature between staff and youth are included in this definition.

Consensual or nonconsensual sexual acts including: Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with intent to abuse, arouse, or gratify sexual desire;

**OR**

Completed, attempted, threatened, or requested sexual acts;

**OR**

Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

**STAFF SEXUAL HARASSMENT** Repeated verbal statements, comments or gestures of a sexual nature to a youth by an employee, volunteer, contractor, official visitor, or other agency representative (excludes family, friends, or other visitors). Demeaning references to gender or derogatory comments about body or clothing; sexually suggestive;

**OR**

Repeated profane or obscene language or gestures.

**Gender categories:**

**TRANSGENDER** A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

**INTERSEX** A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

**Attachment 3**

PREA Standards

Excerpt from *National Standards to Prevent, Detect, and Respond to Prison Rape*,  
28 C.F.R. Part 115.

§ 115.87 Data collection.

- (a) The agency shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.
- (b) The agency shall aggregate the incident-based sexual abuse data at least annually.
- (c) The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
- (d) The agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
- (e) The agency also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.
- (f) Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

**Attachment 4**

Confidentiality Laws

DERIVATION Attachment 4 - Confidentiality Laws

Title I

THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968  
(Public Law 90-351)

42 U.S.C. § 3711, *et seq.*

*AN ACT to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.*

As Amended By

THE OMNIBUS CRIME CONTROL ACT OF 1970  
(Public Law 91-644)

THE CRIME CONTROL ACT OF 1973  
(Public Law 93-83)

THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974  
(Public Law 93-415)

THE PUBLIC SAFETY OFFICERS' BENEFITS ACT OF 1976  
(Public Law 94-430)

THE CRIME CONTROL ACT OF 1976  
(Public Law 94-503)

THE JUSTICE SYSTEM IMPROVEMENT ACT OF 1979  
(Public Law 96-157)

THE JUSTICE ASSISTANCE ACT OF 1984  
(Public Law 98-473)

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE ACT OF 1986  
(Public Law 99-570-Subtitle K)

THE ANTI-DRUG ABUSE ACT OF 1988  
TITLE VI, SUBTITLE C - STATE AND LOCAL NARCOTICS CONTROL  
AND JUSTICE ASSISTANCE IMPROVEMENTS  
(Public Law 100-690)

THE CRIME CONTROL ACT OF 1990  
(Public Law 101-647)

BRADY HANDGUN VIOLENCE PROTECTION ACT  
(Public Law 103-159)

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994  
(Public Law 103-322)

NATIONAL CHILD PROTECTION ACT OF 1993, AS AMENDED  
(Public Law 103-209)

and

CRIME IDENTIFICATION TECHNOLOGY ACT OF 1998  
(Public Law 105-251)

42 USC § 3731

**[Sec. 301.] Statement of purpose**

It is the purpose of this subchapter [part] to provide for and encourage the collection and analysis of statistical information concerning crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system and to support the development of information and statistical systems at the Federal, State, and local levels to improve the efforts of these levels of government to measure and understand the levels of crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system. The Bureau shall utilize to the maximum extent feasible State governmental organizations and facilities responsible for the collection and analysis of criminal justice data and statistics. In carrying out the provisions of this subchapter [part], the Bureau shall give primary emphasis to the problems of State and local justice systems.

42 USC § 3732

**[Sec. 302.] Bureau of Justice Statistics**

(a) Establishment. There is established within the Department of Justice, under the general authority of the Attorney General, a Bureau of Justice Statistics (hereinafter referred to in this subchapter [part] as “Bureau”).

(b) Appointment of Director; experience; authority; restrictions. The Bureau shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate. The Director shall have had experience in statistical programs. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Bureau. The Director shall report to the Attorney General through the Assistant Attorney General. The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this Act.

(c) Duties and functions of Bureau. The Bureau is authorized to—

(1) make grants to, or enter into cooperative agreements or contracts with public agencies, institutions of higher education, private organizations, or private individuals for purposes related to this subchapter [part]; grants shall be made subject to continuing compliance with standards for gathering justice statistics set forth in rules and regulations promulgated by the Director;

(2) collect and analyze information concerning criminal victimization, including crimes against the elderly, and civil disputes;

(3) collect and analyze data that will serve as a continuous and comparable national social indication of the prevalence, incidence, rates, extent, distribution, and attributes of crime, juvenile delinquency, civil disputes, and other statistical factors related to crime, civil disputes, and juvenile delinquency, in support of national, State, and local justice policy and decisionmaking;

(4) collect and analyze statistical information, concerning the operations of the criminal justice system at the Federal, State, and local levels;

(5) collect and analyze statistical information concerning the prevalence, incidence, rates, extent, distribution, and attributes of crime, and juvenile delinquency, at the Federal, State, and local levels;



## Attachment 4 - Confidentiality Laws

(6) analyze the correlates of crime, civil disputes and juvenile delinquency, by the use of statistical information, about criminal and civil justice systems at the Federal, State, and local levels, and about the extent, distribution and attributes of crime, and juvenile delinquency, in the Nation and at the Federal, State, and local levels;

(7) compile, collate, analyze, publish, and disseminate uniform national statistics concerning all aspects of criminal justice and related aspects of civil justice, crime, including crimes against the elderly, juvenile delinquency, criminal offenders, juvenile delinquents, and civil disputes in the various States;

(8) recommend national standards for justice statistics and for insuring the reliability and validity of justice statistics supplied pursuant to this chapter [title];

(9) maintain liaison with the judicial branches of the Federal and State Governments in matters relating to justice statistics, and cooperate with the judicial branch in assuring as much uniformity as feasible in statistical systems of the executive and judicial branches;

(10) provide information to the President, the Congress, the judiciary, State and local governments, and the general public on justice statistics;

(11) establish or assist in the establishment of a system to provide State and local governments with access to Federal informational resources useful in the planning, implementation, and evaluation of programs under this Act;

(12) conduct or support research relating to methods of gathering or analyzing justice statistics;

(13) provide for the development of justice information systems programs and assistance to the States and units of local government relating to collection, analysis, or dissemination of justice statistics;

(14) develop and maintain a data processing capability to support the collection, aggregation, analysis and dissemination of information on the incidence of crime and the operation of the criminal justice system;

(15) collect, analyze and disseminate comprehensive Federal justice transaction statistics (including statistics on issues of Federal justice interest such as public fraud and high technology crime) and to provide technical assistance to and work jointly with other Federal agencies to improve the availability and quality of Federal justice data;

(16) provide for the collection, compilation, analysis, publication and dissemination of information and statistics about the prevalence, incidence, rates, extent, distribution and attributes of drug offenses, drug related offenses and drug dependent offenders and further provide for the establishment of a national clearinghouse to maintain and update a comprehensive and timely data base on all criminal justice aspects of the drug crisis and to disseminate such information;

(17) provide for the collection, analysis, dissemination and publication of statistics on the condition and progress of drug control activities at the Federal, State and local levels with particular attention to programs and intervention efforts demonstrated to be of value in the overall national anti- drug strategy and to provide for the establishment of a national clearinghouse for the gathering of data generated by Federal, State, and local criminal justice agencies on their drug enforcement activities;

(18) provide for the development and enhancement of State and local criminal justice

information systems, and the standardization of data reporting relating to the collection, analysis or dissemination of data and statistics about drug offenses, drug related offenses, or drug dependent offenders;

(19) provide for research and improvements in the accuracy, completeness, and inclusiveness of criminal history record information, information systems, arrest warrant, and stolen vehicle record information and information systems and support research concerning the accuracy, completeness, and inclusiveness of other criminal justice record information;

(20) maintain liaison with State and local governments and governments of other nations concerning justice statistics;

(21) cooperate in and participate with national and international organizations in the development of uniform justice statistics;

(22) ensure conformance with security and privacy requirement of section 3789g of this title and identify, analyze, and participate in the development and implementation of privacy, security and information policies which impact on Federal and State criminal justice operations and related statistical activities; and

(23) exercise the powers and functions set out in subchapter VIII [part H] of this chapter [title].

(d) Justice statistical collection, analysis, and dissemination. To insure that all justice statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Director is authorized to—

(1) utilize, with their consent, the services, equipment, records, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor, and to enter into agreements with such agencies and instrumentalities for purposes of data collection and analysis;

(2) confer and cooperate with State, municipal, and other local agencies;

(3) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this chapter [title];

(4) seek the cooperation of the judicial branch of the Federal Government in gathering data from criminal justice records; and

(5) encourage replication, coordination and sharing among justice agencies regarding information systems, information policy, and data.

(e) Furnishing of information, data, or reports by Federal agencies. Federal agencies requested to furnish information, data, or reports pursuant to subsection (d)(3) of this section shall provide such information to the Bureau as is required to carry out the purposes of this section.

(f) Consultation with representatives of State and local government and judiciary. In recommending standards for gathering justice statistics under this section, the Director shall consult with representatives of State and local government, including, where appropriate, representatives of the judiciary.

## Attachment 4 - Confidentiality Laws

A grant authorized under this subchapter [part] may be up to 100 per centum of the total cost of each project for which such grant is made. The Bureau shall require, whenever feasible as a condition of approval of a grant under this subchapter [part] , that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

### *42 USC § 3735*            **[Sec. 304.] Use of data**

Data collected by the Bureau shall be used only for statistical or research purposes, and shall be gathered in a manner that precludes their use for law enforcement or any purpose relating to a particular individual other than statistical or research purposes.

### *42 USC § 3789g*            **[Sec. 812.] Confidentiality of information**

(a) Research of statistical information; immunity from process; prohibition against admission as evidence or use in any proceedings. Except as provided by Federal law other than this chapter, no officer or employee of the Federal Government, and no recipient of assistance under the provisions of this chapter shall use or reveal any research or statistical information furnished under this chapter by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this chapter. Such information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings.

(b) Criminal history information; disposition and arrest data; procedures for collection, storage, dissemination, and current status; security and privacy; availability for law enforcement, criminal justice, and other lawful purposes; automated systems: review, challenge, and correction of information. All criminal history information collected, stored, or disseminated through support under this chapter shall contain, to the maximum extent feasible, disposition as well as arrest data where arrest data is included therein. The collection, storage, and dissemination of such information shall take place under procedures reasonably designed to insure that all such information is kept current therein; the Office of Justice Programs shall assure that the security and privacy of all information is adequately provided for and that information shall only be used for law enforcement and criminal justice and other lawful purposes. In addition, an individual who believes that criminal history information concerning him contained in an automated system is inaccurate, incomplete, or maintained in violation of this chapter, shall, upon satisfactory verification of his identity, be entitled to review such information and to obtain a copy of it for the purpose of challenge or correction.

(c) Criminal intelligence systems and information; prohibition against violation of privacy and constitutional rights of individuals. All criminal intelligence systems operating through support under this chapter shall collect, maintain, and disseminate criminal intelligence information in conformance with policy standards which are prescribed by the Office of Justice Programs and which are written to assure that the funding and operation of these systems furthers the purpose of this chapter and to assure that such systems are not utilized in violation of the privacy and constitutional rights of individuals.

(d) Violations; fine as additional penalty. Any person violating the provisions of this section, or of any rule, regulation, or order issued thereunder, shall be fined not to exceed \$10,000, in addition to any other penalty imposed by law.

## **Attachment 5**

### Sample Design

## Privately-operated State and Federal Prison Sample Design for the 2012 Survey on Sexual Violence

402 units on the frame

Date: May 6, 2013

The Bureau of Justice Statistics (BJS) instructed the Census Bureau to use the 2005 Prison Census file as the frame for this sample. Census removed the private prisons that have closed since 2005, and added new prisons with 500 or more total prisoners identified in the 2012 Prison Census file. The frame contained 402 records for privately-operated state and federal prisons.

Some facilities are large compared to the rest, so we had to use a certainty cutoff to select some of the facilities as certainties due to size. A facility was declared certainty due to size if it held 450 or more total prisoners. There are 74 size certainties in the 2012 sample.

The rest of the file was serpentine-sorted by region, two-digit state code, and total prisoners. Region is the region of the country where the facility is located: Northeast, Midwest, South, or West.

We used PROC SURVEYSELECT in SAS to select a systematic probability proportional to size sample.

Each noncertainty privately-operated state or federal prison in sample has a weight based on its measure of size. The weights are shown in Table 1.

We verify the sample weights by using Horvitz-Thompson estimation. We use the sample to estimate the national count of total prisoners. The estimated national count of total prisoners is  $\hat{Y}_{HT} = \sum_{i=1}^{125} [(y_i)(weight_i)]$  where  $y_i$  is the total prisoners of the  $i^{\text{th}}$  sample unit. The national count of total prisoners is 109,990.

Table 2 shows the estimated coefficients of variation (CVs) for this sample design.

Attachment 5 - Sample Design  
Prisons

**Table 1. Sample Design table for privately-operated state and federal prisons**

| Obs | ID                    | Measure of size | Weight | Measure of size * weight |
|-----|-----------------------|-----------------|--------|--------------------------|
| 1   | 038000000074700000000 | 618             | 1.0000 | 618.0000                 |
| 2   | 038000000076000000000 | 1,344           | 1.0000 | 1,344.0000               |
| 3   | 038999900000000000000 | 1,286           | 1.0000 | 1,286.0000               |
| 4   | 058000000079992200000 | 560             | 1.0000 | 560.0000                 |
| 5   | 058000000079992300000 | 540             | 1.0000 | 540.0000                 |
| 6   | 058000000079992400000 | 533             | 1.0000 | 533.0000                 |
| 7   | 058015666070200000000 | 2,325           | 1.0000 | 2,325.0000               |
| 8   | 058015666072000000000 | 2,587           | 1.0000 | 2,587.0000               |
| 9   | 068000000072200000000 | 725             | 1.0000 | 725.0000                 |
| 10  | 068000000073100000000 | 1,151           | 1.0000 | 1,151.0000               |
| 11  | 068000000073200000000 | 790             | 1.0000 | 790.0000                 |
| 12  | 108000000079881000000 | 888             | 1.0000 | 888.0000                 |
| 13  | 108000000079992000000 | 1,132           | 1.0000 | 1,132.0000               |
| 14  | 108000000079996000000 | 745             | 1.0000 | 745.0000                 |
| 15  | 108000000079997000000 | 750             | 1.0000 | 750.0000                 |
| 16  | 108000000079999100000 | 1,850           | 1.0000 | 1,850.0000               |
| 17  | 118000000075700000000 | 1,502           | 1.0000 | 1,502.0000               |
| 18  | 118000000075800000000 | 1,510           | 1.0000 | 1,510.0000               |
| 19  | 118000000076000000000 | 1,748           | 1.0000 | 1,748.0000               |
| 20  | 118134666079981000000 | 1,471           | 1.0000 | 1,471.0000               |
| 21  | 118999900000000000000 | 1,124           | 1.0000 | 1,124.0000               |
| 22  | 138000000071700000000 | 1,294           | 1.0000 | 1,294.0000               |
| 23  | 188000000071400000000 | 787             | 1.0000 | 787.0000                 |
| 24  | 188000000071900000000 | 762             | 1.0000 | 762.0000                 |
| 25  | 188000000072600000000 | 512             | 1.0000 | 512.0000                 |
| 26  | 198000000071400000000 | 1,651           | 1.0000 | 1,651.0000               |
| 27  | 198000000072300000000 | 1,592           | 1.0000 | 1,592.0000               |
| 28  | 258000000073100000000 | 993             | 1.0000 | 993.0000                 |
| 29  | 258000000073500000000 | 969             | 1.0000 | 969.0000                 |
| 30  | 258000000073600000000 | 937             | 1.0000 | 937.0000                 |
| 31  | 258000000073700000000 | 836             | 1.0000 | 836.0000                 |
| 32  | 258000000074000000000 | 1,014           | 1.0000 | 1,014.0000               |
| 33  | 258000000074100000000 | 921             | 1.0000 | 921.0000                 |
| 34  | 258001666071000000000 | 2,414           | 1.0000 | 2,414.0000               |
| 35  | 278000000070991000000 | 555             | 1.0000 | 555.0000                 |
| 36  | 298000000073000000000 | 755             | 1.0000 | 755.0000                 |
| 37  | 318000000075100000000 | 539             | 1.0000 | 539.0000                 |
| 38  | 318000000075700000000 | 500             | 1.0000 | 500.0000                 |

Attachment 5 - Sample Design  
Prisons

| Obs | ID                    | Measure of size | Weight | Measure of size * weight |
|-----|-----------------------|-----------------|--------|--------------------------|
| 39  | 328000000071300000000 | 661             | 1.0000 | 661.0000                 |
| 40  | 328000000071400000000 | 1,042           | 1.0000 | 1,042.0000               |
| 41  | 328000000071500000000 | 602             | 1.0000 | 602.0000                 |
| 42  | 328000000071600000000 | 1,200           | 1.0000 | 1,200.0000               |
| 43  | 328000000071700000000 | 609             | 1.0000 | 609.0000                 |
| 44  | 348046666079111100000 | 1,287           | 1.0000 | 1,287.0000               |
| 45  | 368000000073900000000 | 1,859           | 1.0000 | 1,859.0000               |
| 46  | 368000000074100000000 | 631             | 1.0000 | 631.0000                 |
| 47  | 368000000074200000000 | 1,472           | 1.0000 | 1,472.0000               |
| 48  | 378000000074800000000 | 970             | 1.0000 | 970.0000                 |
| 49  | 378000000074900000000 | 961             | 1.0000 | 961.0000                 |
| 50  | 378000000076100000000 | 1,900           | 1.0000 | 1,900.0000               |
| 51  | 378000000079000000000 | 2,329           | 1.0000 | 2,329.0000               |
| 52  | 438000000072300000000 | 1,639           | 1.0000 | 1,639.0000               |
| 53  | 438000000073500000000 | 1,970           | 1.0000 | 1,970.0000               |
| 54  | 438000000073700000000 | 1,516           | 1.0000 | 1,516.0000               |
| 55  | 448000000073700000000 | 519             | 1.0000 | 519.0000                 |
| 56  | 448000000073800000000 | 519             | 1.0000 | 519.0000                 |
| 57  | 448000000073900000000 | 995             | 1.0000 | 995.0000                 |
| 58  | 448000000074100000000 | 2,053           | 1.0000 | 2,053.0000               |
| 59  | 448000000078020000000 | 861             | 1.0000 | 861.0000                 |
| 60  | 448000000079200000000 | 496             | 1.0000 | 496.0000                 |
| 61  | 448000000079800500000 | 1,975           | 1.0000 | 1,975.0000               |
| 62  | 448000000079930000000 | 498             | 1.0000 | 498.0000                 |
| 63  | 448000000079940000000 | 518             | 1.0000 | 518.0000                 |
| 64  | 448000000079996000000 | 1,030           | 1.0000 | 1,030.0000               |
| 65  | 448000000079996700000 | 520             | 1.0000 | 520.0000                 |
| 66  | 448000000079997000000 | 998             | 1.0000 | 998.0000                 |
| 67  | 448000000079999000000 | 1,035           | 1.0000 | 1,035.0000               |
| 68  | 448000000079999200000 | 2,196           | 1.0000 | 2,196.0000               |
| 69  | 448048666070100000000 | 1,419           | 1.0000 | 1,419.0000               |
| 70  | 448085666075110000000 | 1,105           | 1.0000 | 1,105.0000               |
| 71  | 448114666070200000000 | 2,641           | 1.0000 | 2,641.0000               |
| 72  | 448195666070100000000 | 2,176           | 1.0000 | 2,176.0000               |
| 73  | 448999900000000000000 | 900             | 1.0000 | 900.0000                 |
| 74  | 478000000078500000000 | 1,566           | 1.0000 | 1,566.0000               |
| 75  | 028000000071900000000 | 178             | 2.5459 | 453.1702                 |
| 76  | 028000000074500000000 | 48              | 9.4412 | 453.1776                 |
| 77  | 038000000072800000000 | 419             | 1.0816 | 453.1904                 |
| 78  | 038000000073400000000 | 388             | 1.1680 | 453.1840                 |

Attachment 5 - Sample Design  
Prisons

| Obs | ID                    | Measure of size | Weight  | Measure of size * weight |
|-----|-----------------------|-----------------|---------|--------------------------|
| 79  | 058030666079995200000 | 44              | 10.2995 | 453.1780                 |
| 80  | 058037666079995000000 | 199             | 2.2773  | 453.1827                 |
| 81  | 068000000075500000000 | 205             | 2.2106  | 453.1730                 |
| 82  | 068000000076100000000 | 103             | 4.3998  | 453.1794                 |
| 83  | 068000000076600000000 | 43              | 10.5390 | 453.1770                 |
| 84  | 068000000078800000000 | 270             | 1.6784  | 453.1680                 |
| 85  | 068000000078900000000 | 65              | 6.9719  | 453.1735                 |
| 86  | 068000000079100000000 | 132             | 3.4332  | 453.1824                 |
| 87  | 068000000079900000000 | 367             | 1.2348  | 453.1716                 |
| 88  | 078000000073199990000 | 30              | 15.1059 | 453.1770                 |
| 89  | 078002666076500000000 | 64              | 7.0809  | 453.1776                 |
| 90  | 098001001072200010000 | 161             | 2.8148  | 453.1828                 |
| 91  | 108000000075830000000 | 54              | 8.3922  | 453.1788                 |
| 92  | 108000000075840000000 | 89              | 5.0919  | 453.1791                 |
| 93  | 108000000075870000000 | 112             | 4.0462  | 453.1744                 |
| 94  | 148000000075500000000 | 251             | 1.8055  | 453.1805                 |
| 95  | 178000000072000000000 | 141             | 3.2140  | 453.1740                 |
| 96  | 188000000071800000000 | 132             | 3.4332  | 453.1824                 |
| 97  | 188000000072000000000 | 23              | 19.7033 | 453.1759                 |
| 98  | 198000000072100000000 | 155             | 2.9237  | 453.1735                 |
| 99  | 218000000074000000000 | 63              | 7.1933  | 453.1779                 |
| 100 | 238082666079980000000 | 42              | 10.7899 | 453.1758                 |
| 101 | 268096666075900000000 | 102             | 4.4429  | 453.1758                 |
| 102 | 278000000070600000000 | 165             | 2.7465  | 453.1725                 |
| 103 | 278000000073300000000 | 109             | 4.1576  | 453.1784                 |
| 104 | 318000000074500000000 | 72              | 6.2941  | 453.1752                 |
| 105 | 318000000076000000000 | 301             | 1.5056  | 453.1856                 |
| 106 | 318000000076600000000 | 22              | 20.5989 | 453.1758                 |
| 107 | 338031666070200000000 | 120             | 3.7765  | 453.1800                 |
| 108 | 348000000079999100000 | 90              | 5.0353  | 453.1770                 |
| 109 | 368000000075000000000 | 160             | 2.8324  | 453.1840                 |
| 110 | 368000000075400000000 | 54              | 8.3922  | 453.1788                 |
| 111 | 368000000075800000000 | 103             | 4.3998  | 453.1794                 |
| 112 | 368000000076400000000 | 77              | 5.8854  | 453.1758                 |
| 113 | 378000000075500000000 | 285             | 1.5901  | 453.1785                 |
| 114 | 378000000078000000000 | 122             | 3.7146  | 453.1812                 |
| 115 | 388026666072600000000 | 65              | 6.9719  | 453.1735                 |
| 116 | 398000000075500000000 | 46              | 9.8517  | 453.1782                 |
| 117 | 398000000075700000000 | 174             | 2.6045  | 453.1830                 |
| 118 | 418040666076300000000 | 27              | 16.7843 | 453.1761                 |



Attachment 5 - Sample Design  
Prisons

| <b>Obs</b> | <b>ID</b>             | <b>Measure of size</b> | <b>Weight</b> | <b>Measure of size * weight</b> |
|------------|-----------------------|------------------------|---------------|---------------------------------|
| 119        | 428018666071000000000 | 30                     | 15.1059       | 453.1770                        |
| 120        | 448000000079997400000 | 411                    | 1.1026        | 453.1686                        |
| 121        | 448057666079177800000 | 103                    | 4.3998        | 453.1794                        |
| 122        | 448101666071600000000 | 165                    | 2.7465        | 453.1725                        |
| 123        | 448223666071500000000 | 48                     | 9.4412        | 453.1776                        |
| 124        | 448254666079992000000 | 375                    | 1.2085        | 453.1875                        |
| 125        | 518000000070500000000 | 200                    | 2.2659        | 453.1800                        |
|            |                       |                        |               | <b>109,990.0689</b>             |

**Table 2. Estimated CVs for this sample design**

| <b>Estimate</b> | <b>Estimated variance</b> | <b>Total</b> | <b>CV</b> |
|-----------------|---------------------------|--------------|-----------|
| Adult females   | 549,267.26                | 7,321        | 10.1%     |
| Adult males     | 892,665.45                | 90,872       | 1.0%      |

## Attachment 5 - Sample Design Public Jails

### **Public Jails Sample Design for the 2012 Survey on Sexual Violence**

2,844 public units on the 2011 Deaths in Custody file

Date: March 23, 2013

The Bureau of Justice Statistics (BJS) requested a sample size of 700, with the largest public jail in each state<sup>1</sup> selected with certainty to meet the requirements of the Prison Rape Elimination Act of 2003. The measure of size is the average daily population (ADP).

We used an extract of the 2011 Deaths in Custody file as the frame. Eighty-seven jails were nonrespondents for the 2011 Deaths in Custody file. We pulled forward data from the 2010 Deaths in Custody file to account for missing data. The extract did not include data flags, so we pulled forward nonzero counts from the 2010 Deaths in Custody file when the counts were zero in 2011.

We used data from the 2010 SSV frame for two public jails (Goodwater Police Department, ID = 012019001061000000000 and Pontotoc County Sheriff's Office, ID = 25105805806100000000).

Meherrin River Regional Jail is a new regional jail that opened in July 2012. While the regional jail was listed on the Deaths in Custody extract, it had neither data nor an ID. We used 47199999999999999999 as a temporary ID for the regional jail.

[http://www.timesdispatch.com/news/latest-news-ap/meherrin-river-regional-jail-opening-satellite-facility/article\\_cd7a6e3e-6481-11e2-8df6-0019bb30f31a.html](http://www.timesdispatch.com/news/latest-news-ap/meherrin-river-regional-jail-opening-satellite-facility/article_cd7a6e3e-6481-11e2-8df6-0019bb30f31a.html) mentions that the regional jail replaces the local jails in Dinwiddie, Brunswick, and Mecklenburg counties, so we pulled forward the data for those three counties and assigned the totals to the regional jail.

Table 1 shows the remaining data quality issues in the 2011 Deaths in Custody extract. ADP may be incorrect for one unit listed in Table 1, which shows ADP = 0 but 2,051 new admissions. We use the data for confined persons to allocate the sample across strata, and we use the data for confined persons and new admissions to estimate coefficients of variation for the sample design. The data quality issues may affect the analysis.

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<sup>1</sup> There are public jails in 45 states and the District of Columbia. There are five states with no public jails: Connecticut, Delaware, Hawaii, Rhode Island, and Vermont.

Attachment 5 - Sample Design  
Public Jails

**Table 1. Remaining data quality issues in 2011 Deaths in Custody extract**

| <i>Agency ID</i>       | <i>Confined males</i> | <i>Confined females</i> | <i>Confined persons</i> | <i>New admissions males</i> | <i>New admissions females</i> | <i>New admissions</i> | <i>Male ADP</i> | <i>Female ADP</i> | <i>ADP</i> |
|------------------------|-----------------------|-------------------------|-------------------------|-----------------------------|-------------------------------|-----------------------|-----------------|-------------------|------------|
| 012025001061000000000  | 0                     | 0                       | 0                       | 30                          | 10                            | 40                    | 1               | 1                 | 2          |
| 012037019061000000000  | 0                     | 0                       | 0                       | 603                         | 603                           | 1206                  | 1               | 1                 | 2          |
| 021004001061000000000  | 0                     | 0                       | 0                       | 40                          | 10                            | 50                    | 1               | 0                 | 1          |
| 022020001061000000000  | 0                     | 1                       | 1                       | 115                         | 27                            | 142                   | 0               | 0                 | 0          |
| 112022001061000000000  | 0                     | 0                       | 0                       | 121                         | 53                            | 174                   | 1               | 1                 | 2          |
| 112054001061000000000  | 0                     | 0                       | 0                       | 37                          | 26                            | 63                    | 1               | 1                 | 2          |
| 112158003061000000000  | 0                     | 0                       | 0                       | 36                          | 7                             | 43                    | 1               | 1                 | 2          |
| 141040040061000000000  | 0                     | 0                       | 0                       | 73                          | 22                            | 95                    | 2               | 1                 | 3          |
| 171098098061000000000  | 0                     | 0                       | 0                       | 109                         | 26                            | 135                   | 2               | 1                 | 3          |
| 251023023061000000000  | 0                     | 0                       | 0                       | 1436                        | 615                           | 2051                  | 0               | 0                 | 0          |
| 2510280280600000020101 | 0                     | 0                       | 0                       | 0                           | 30                            | 30                    | 0               | 5                 | 5          |
| 281035035061000000000  | 0                     | 0                       | 0                       | 66                          | 27                            | 93                    | 2               | 1                 | 3          |
| 322013003061000000000  | 0                     | 0                       | 0                       | 72                          | 14                            | 86                    | 1               | 1                 | 2          |
| 351001001060100000000  | 0                     | 0                       | 0                       | 78                          | 10                            | 88                    | 3               | 1                 | 4          |
| 351049049061000000000  | 0                     | 0                       | 0                       | 271                         | 0                             | 271                   | 3               | 0                 | 3          |
| 371055055061000000000  | 2303                  | 305                     | 2608                    | 0                           | 0                             | 0                     | 2330            | 400               | 2730       |
| 421021020061000000000  | 0                     | 0                       | 0                       | 26                          | 3                             | 29                    | 1               | 1                 | 2          |
| 441222222061000000000  | 0                     | 0                       | 0                       | 22                          | 6                             | 28                    | 1               | 0                 | 1          |

We chose 116 units as certainties due to size (ADP of 1,000 or more). BJS requested that we select the remaining 538 units in a stratified systematic random sample. There are three noncertainty strata for those units with less than 1,000 ADP.

We used the cumulative  $\sqrt{(f(y))}$  method (Cochran, *Sampling Techniques*, 1977 edition, p. 129) to determine the noncertainty stratum boundaries. Table 2 shows the strata.

We used ADP to stratify the sample, with the allocation to strata based on the number of confined persons on December 31, 2010. We calculated an optimal allocation to the strata for the number of confined persons.

The noncertainty strata were serpentine-sorted by region, two digit state code, and ADP. Region is the region of the country where the jurisdiction is located: Northeast, Midwest, South, or West.

Table 2 shows the weights for this sample design. Table 3 shows the estimated coefficients of variation of this sample design.

Attachment 5 - Sample Design  
Public Jails

**Table 2. Public Jails sample design**

| <b>Stratum number</b> | <b>Description</b>                   | <b>Units in 2011 Deaths in Custody File</b> | <b>Units in sample</b> | <b>Sample weight</b> |
|-----------------------|--------------------------------------|---|------------------------|----------------------|
| 1                     | Largest jail in each state           | 46  | 46                     | 1.0000               |
| 2                     | Certainties due to size (1,000+ ADP) | 116   | 116                    | 1.0000               |
| 3                     | Jails with 0 to 87 ADP               | 1,481                                       | 186                    | 7.9624               |
| 4                     | Jails with 88 to 268 ADP             | 770   | 119                    | 6.4706               |
| 5                     | Jails with 269 to 999 ADP            | 431   | 233                    | 1.8498               |
|                       |                                      | <b>2,844</b>                                | <b>700</b>             |                      |

**Table 3. Estimated coefficients of variation for the public jails sample design**

| <b>Estimate</b>        | <b>Coefficient of variation</b> |
|------------------------|---------------------------------|
| Confined males         | 1.0%                            |
| Confined females       | 1.5%                            |
| Newly admitted males   | 2.6%                            |
| Newly admitted females | 2.6%                            |
| New admissions         | 2.5%                            |
| Male ADP               | 0.8%                            |
| Female ADP             | 1.4%                            |

## Attachment 5 - Sample Design Private Jails

### Private Jails Sample Design for the 2012 Survey on Sexual Violence

33 units on the 2011 Deaths in Custody file

Date: March 24, 2013

There are 33 private jails on the 2011 Deaths in Custody file extract. The Bureau of Justice Statistics (BJS) requested a sample of 15 of the private jails, with the units selected with probability proportional to size. The measure of size is the average daily population (ADP) from the 2011 Deaths in Custody file extract.

We selected five private jails with certainty because they are so much larger than all the other private jails. We selected the remaining ten units in sample with probability proportional to size after serpentine sorting the file by region, two-digit state code, and ADP. Region is the region of the country where the jurisdiction is located: Northeast, Midwest, South, or West.

Table 1 shows the weights.

The 33 private jails on the frame have a total ADP of 16,722. We verify the sample weights by using Horvitz-Thompson estimation. We use the sample to estimate the total ADP. The estimated total is  $\hat{Y}_{HT} = \sum_{i=1}^{15} [(y_i)(SamplingWeight_i)]$  where  $y_i$  is the ADP of the  $i^{th}$  unit in the sample.

Table 2 shows the estimated coefficients of variation for this sample design.

**Table 1. Private Jails sample design table**

| ID                   | Region    | Measure of size | Sampling Weight | Measure of size * Sampling Weight |
|----------------------|-----------|-----------------|-----------------|-----------------------------------|
| 39800200206500000000 | Northeast | 560             | 1.7582          | 984.5920                          |
| 10802702706100000000 | South     | 546             | 1.8033          | 984.6018                          |
| 10800600606500000000 | South     | 629             | 1.5653          | 984.5737                          |
| 19801301306200000000 | South     | 789             | 1.2479          | 984.5931                          |
| 43803303306010000000 | South     | 845             | 1.1652          | 984.5940                          |
| 43808408406200000000 | South     | 482             | 2.0427          | 984.5814                          |
| 44802402406100000000 | South     | 461             | 2.1358          | 984.6038                          |
| 44814714706200000000 | South     | 741             | 1.3287          | 984.5667                          |
| 32803003006110000000 | West      | 771             | 1.2770          | 984.5670                          |
| 06802102006700000000 | West      | 320             | 3.0769          | 984.6080                          |
| 15804900806100000000 | Midwest   | 1,050           | 1.0000          | 1,050.0000                        |
| 37807207206400000000 | South     | 1,447           | 1.0000          | 1,447.0000                        |
| 39802302306300000000 | Northeast | 1,862           | 1.0000          | 1,862.0000                        |
| 43801900306800000000 | South     | 1,065           | 1.0000          | 1,065.0000                        |
| 44823323306100000000 | South     | 1,452           | 1.0000          | 1,452.0000                        |
|                      |           |                 |                 | <b>16,721.8815</b>                |

Attachment 5 - Sample Design  
Private Jails

**Table 2. Estimated coefficients of variation for this sample design**

| <b>Estimate</b>        | <b>Estimated variance</b> | <b>2011 total</b> | <b>CV</b> |
|------------------------|---------------------------|-------------------|-----------|
| Confined females       | 34,545.35                 | 1,496             | 12.4%     |
| Confined males         | 255,351.88                | 14,845            | 3.4%      |
| Confined persons       | 265,273.58                | 16,341            | 3.2%      |
| Female ADP             | 40,469.98                 | 1,603             | 12.5%     |
| Male ADP               | 78,733.34                 | 15,119            | 1.9%      |
| Newly admitted females | 97,889,454.03             | 28,642            | 34.5%     |
| Newly admitted males   | 2,470,280,111.85          | 154,079           | 32.3%     |
| New admissions         | 3,453,168,436.97          | 182,721           | 32.2%     |

## **Tribal Sample Design for the 2012 Survey on Sexual Violence**

60 units on the extract from the 2011 Jails in Indian Country file

Date: March 24, 2013

The Bureau of Justice Statistics (BJS) requested a sample of 20 units from the 60 units listed on the 2011 Jails in Indian Country file extract. To be eligible for this sample, units hold only adults or adults and juveniles. We added units that hold only juveniles to the juvenile sample for the 2012 Survey on Sexual Violence (SSV).

The 2011 Jails in Indian Country extract did not contain counts for adult males, adult females, juvenile males, and juvenile females. We downloaded those counts from the BJS web site, and then matched on tribal facility name, after standardizing the facility names against the extract.

We selected the sample through probability proportional to size, with the adjusted average daily population (ADP) as the measure of size. The adjusted ADP was the maximum of (1, ADP).

Three units were relatively large compared to the rest of the units in the frame, so we selected them as certainty units based on size. The size cutoff for the certainty units was ADP of 140 or more.

The rest of the file was serpentine-sorted by two-digit state code and ADP.

The 20 tribal facilities selected for the sample have weights based on their measure of size. Table 1 shows the weights.

The 60 tribal facilities on the frame have a total ADP of 1,892. We verify the sample weights by using Horvitz-Thompson estimation. We use the sample to estimate total ADP. The estimated total is  $\hat{Y}_{HT} = \sum_{i=1}^{20} [(y_i)(SamplingWeight_i)]$  where  $y_i$  is the ADP of the  $i^{th}$  unit in the sample.

Table 2 shows the estimated coefficients of variation for this sample design. We merged the extract with the Appendix Table 4 of the publication *Jails in Indian Country, 2011* so that we could calculate estimated coefficients of variation.

Attachment 5 - Sample Design  
Tribal Facilities

**Table 1. Tribal Sample for the 2012 SSV**

| ID                    | Facility  | Adjusted<br>measure<br>of size | Sampling<br>Weight | Adjusted<br>measure<br>of size *<br>Sampling<br>Weight |
|-----------------------|---|--------------------------------|--------------------|--|
| 037001001070100000000 | Navajo Department of Corrections-Tuba City                                      | 27                             | 3.0370             | 82.00  |
| 037001001070200000000 | Navajo Department of Corrections-Kayenta Police Department and Holding Facility | 8                              | 10.2500            | 82.00  |
| 037009001070100000000 | White Mountain Apache Detention Center  | 81                             | 1.0123             | 82.00  |
| 037015001070100000000 | Colorado River Indian Tribes Adult Detention Center                             | 41                             | 2.0000             | 82.00  |
| 067042001070100000000 | Chief Ignacio Justice Center Adult Detention                                    | 50                             | 1.6400             | 82.00  |
| 247004001070900000000 | Red Lake Tribal Justice Center Adult Detention                                  | 42                             | 1.9524             | 82.00  |
| 257050001070100000000 | Choctaw Justice Complex Adult Detention   | 59                             | 1.3898             | 82.00  |
| 277044001070100000000 | Northern Cheyenne Adult Detention Center  | 42                             | 1.9524             | 82.00  |
| 327017001070100000000 | Zuni Adult Detention Center   | 35                             | 2.3429             | 82.00  |
| 327021001070600000000 | Jicarilla Department of Corrections-Adult and Juvenile                          | 31                             | 2.6452             | 82.00  |
| 357043001070100000000 | Standing Rock Law Enforcement and Adult Detention Center                        | 67                             | 1.2239             | 82.00  |
| 387016001071900000000 | Warm Springs Police Department and Adult Detention Center                       | 37                             | 2.2162             | 82.00  |
| 427004001070200000000 | Medicine Root Detention Center  | 26                             | 3.1538             | 82.00  |
| 427061001070300000000 | Rosebud Sioux Tribal Police Department and Adult Detention                      | 81                             | 1.0123             | 82.00  |
| 487033001070100000000 | Spokane Adult Detention Center  | 9                              | 9.1111             | 82.00  |
| 487034001070100000000 | Nisqually Adult Corrections   | 65                             | 1.2615             | 82.00  |
| 507040001070100000000 | Menominee Tribal Detention Facility   | 45                             | 1.8222             | 82.00  |
| 037011002071600000000 | Gila River Department of Rehabilitation and Supervision-Adult                   | 159                            | 1.0000             | 159.00   |
| 037004001070100000000 | San Carlos Department of Corrections and Rehabilitation-Adult                   | 144                            | 1.0000             | 144.00   |
| 037010001071500000000 | Tohono O'odham Adult Detention Center   | 195                            | 1.0000             | 195.00   |
|                       |   |                                |                    | 1891.99  |



Attachment 5 - Sample Design  
Tribal Facilities

**Table 2. Estimated coefficients of variation for this sample design**

| <b>Estimate</b>  | <b>Estimated variance</b> | <b>2011 total</b> | <b>CV</b> |
|------------------|---------------------------|-------------------|-----------|
| Female adults    | 4,278.61                  | 419               | 15.6%     |
| Female juveniles | 8.42                      | 4                 | 72.6%     |
| Male adults      | 76,308.93                 | 1,583             | 17.5%     |
| Male juveniles   | 16.30                     | 7                 | 57.7%     |
| Total adults     | 96,360.30                 | 2,002             | 15.5%     |
| Total juveniles  | 32.18                     | 11                | 51.6%     |

## Juvenile Facility Sample Design for the 2013 Survey of Sexual Victimization

2,337 non-tribal facilities on the 2012 Juvenile Residential Facility Census file

Date: February 12, 2014

For the 2013 Survey of Sexual Victimization<sup>1</sup> (SSV) juvenile facility sample, the Bureau of Justice Statistics (BJS) requested a sample design similar to that used for the 2012 juvenile facility sample, but with an increase of 200 more sample units. Note that we select tribal juvenile facilities from the Jails in Indian Country file, not the 2012 Juvenile Residential Facility Census (JRFC) file. Facilities that hold zero juvenile offenders on reference day are not eligible for the 2013 SSV sample.

Some sampling weights in samples prior to 2011 were extremely large, therefore an attempt was made to minimize the largest sample weights for the 2012 SSV. The problem with extremely large sampling weights is they are associated with relatively small facilities, and if such a facility reports a larger value than customary, it can have tremendous influence on the estimates. We minimized the largest sampling weights by allocating the sample proportionally instead of oversampling the non-state detention centers, and collapsing the private non-commitment and private commitment strata together.

To understand this year's design, we need to look at how we categorize the facilities. The 2012 JRFC serves as the frame for the 2013 SSV.

**Table 1. 2013 SSV juvenile facility sampling frame**

|       |  |
|-------|--|
| 2,337 | non-tribal facilities in the 50 states and DC in the 2012 JRFC file  |
| 352   | non-tribal facilities in the 50 states and DC that held zero juvenile offenders on reference day                         |
| 1,985 | non-tribal facilities in the 50 states and DC in the 2012 JRFC that held at least one juvenile offender on reference day |

The initial certainty requirements asked that all the state central reporters and facilities that report separately be included in the sample with certainty. We are treating all facilities in DC as state-operated for the purposes of SSV. Each state gets a form that asks that they report for all the state-operated facilities. The rest of the sample comes from the remainder of the sampling frame, to produce a sample of 530 non-state units.

Of the 530 non-state units in sample, 35 units are in sample with certainty as the largest locally-operated facility in the state, and 49 are in with certainty as the largest privately-operated facility in the state. We select 446 noncertainty units to fill out the sample.

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<sup>1</sup> For the 2013 data collection, the project is now known as the Survey of Sexual Victimization. Previous cycles were called the Survey of Sexual Violence.

## Attachment 5 - Sample Design Juvenile Facilities

**Table 2. Certainty and noncertainty counts on the 2013 frame**

|       |  |
|-------|--|
| 397   | state central reporters and facilities that report separately  |
| 35    | local facility certainties (largest in the state)  |
| 583   | local noncertainty facilities  |
| 49    | private facility certainties (largest in the state)  |
| 921   | private noncertainty facilities  |
| 1,985 | non-tribal facilities in the 50 states and DC in the 2012 JRFC that held at least one juvenile offender on reference day |

By law, we need a 10-percent sample of the non-state detention centers, locally-operated facilities, and privately-operated facilities. By allocating the 446 sample units proportionally across strata, we meet or exceed the 10-percent requirement. The measure of size for this sample is the number of persons assigned to beds.

**Table 3. Facility and person counts for the local and private noncertainty strata**

| Stratum                         | Facility count | Persons assigned to beds |
|---------------------------------|----------------|--------------------------|
| Midwest detention facilities    | 154            | 3,628                    |
| Northeast detention facilities  | 65             | 1,024                    |
| South detention facilities      | 148            | 3,759                    |
| West detention facilities       | 126            | 4,753                    |
| Local non-commitment facilities | 27             | 308                      |
| Local commitment facilities     | 144            | 5,866                    |
| Private facilities              | 840            | 17,801                   |

**Table 4. Proportionally allocating the sample across noncertainty strata**

| Stratum                         | Proposed sample size |
|---------------------------------|----------------------|
| Midwest detention facilities    | 44                   |
| Northeast detention facilities  | 12                   |
| South detention facilities      | 45                   |
| West detention facilities       | 57                   |
| Local non-commitment facilities | 4                    |
| Local commitment facilities     | 71                   |
| Private facilities              | 213                  |

Forty non-state detention centers are too large compared to the rest of the facilities in their strata, so we declare them certainties due to size and reassign them to stratum 40E in the sample design table, Table 5. There are thirty-seven locally-operated facilities that are too large compared to the rest of the facilities in their strata, so we declare them certainties due to size and reassign them to stratum 53. Forty-eight private facilities are too large compared to the rest of the facilities in their stratum, so we declare them certainties due to size and reassign them to stratum 63.

## Attachment 5 - Sample Design Juvenile Facilities

Once the state central reporters and facilities that report separately (stratum 10), largest locally-operated facility in each state (stratum 20), detention facilities that are certainties due to size (stratum 40E), largest privately-operated facility in each state (stratum 30), the local facility certainties due to size (stratum 53), and the private facility certainties due to size (stratum 63) were determined; those records were removed prior to sample selection. The remaining 1,379 facilities were serpentine-sorted by region, two-digit state code, collapsed facility type, and persons assigned to beds within each stratum. We used PROC SURVEYSELECT in SAS to select a systematic probability proportional to size sample.

**Table 5. Juvenile facilities sample design table**

| Stratum Number | Description  | N           | n          |
|----------------|--|-------------|------------|
| 10             | State central reporters and facilities that report separately    | 397         | 397        |
| 15             | Tribal juvenile facilities from the Jails in Indian Country file | 20          | 20         |
| 20             | Largest locally-operated facility in each state                  | 35          | 35         |
| 30             | Largest privately-operated facility in each state                | 49          | 49         |
| 40A            | Detention facilities   Midwest                                   | 148         | 38         |
| 40B            | Detention facilities   Northeast                                 | 65          | 12         |
| 40C            | Detention facilities   South                                     | 140         | 37         |
| 40D            | Detention facilities   West                                      | 100         | 31         |
| 40E            | Detention facility certainties due to size                       | 40          | 40         |
| 51             | Local   Non-commitment   | 27          | 4          |
| 52             | Local   Commitment   | 107         | 34         |
| 53             | Local facility certainties due to size                           | 37          | 37         |
| 60             | Private facilities   | 792         | 165        |
| 63             | Private facility certainties due to size                         | 48          | 48         |
| <b>TOTALS</b>  |  | <b>2005</b> | <b>947</b> |

### Calculating the coefficients of variation for this sample<sup>2</sup>

We use the Hartley-Rao formula to estimate the variance of this sample design. The variance is given by

$$V(\hat{Y}) \approx \sum_1^N \pi_i \left[ 1 - \frac{(n-1)}{n} \pi_i \right] \left( \frac{y_i}{\pi_i} - \frac{Y}{n} \right)^2$$

where  $\pi_i$  is the probability that the  $i^{\text{th}}$  unit is selected for the sample. For more details, see equation 5.17 in Harley and Rao (1962).

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<sup>2</sup> The calculations for the coefficients of variation do not include the 20 tribal facilities from the Jails in Indian Country (JIC) file because comparable data on juvenile offenders and juvenile non-offenders were not available on the JIC file.

## Attachment 5 - Sample Design Juvenile Facilities

**Table 6. Estimated coefficients of variation for this sample design**

| Level of estimate              | Estimate               | Estimated variance | 2012 total | CV    |
|--------------------------------|------------------------|--------------------|------------|-------|
| National                       | Juvenile offenders     | 149,332.98         | 114,374    | 0.3%  |
| National                       | Juvenile non-offenders | 141,457.14         | 13,208     | 2.8%  |
| Non-state detention facilities | Juvenile offenders     | 20,918.63          | 31,430     | 0.5%  |
| Non-state detention facilities | Juvenile non-offenders | 11,355.28          | 748        | 14.2% |

### Verification of the sample produced by the Statistical Methods Branch

The Statistical Methods Branch of Governments Division selected the locally-operated and privately-operated facility records for the sample. The Criminal Justice Statistics Branch of Governments Division prepared the mailout records for the state-operated units in stratum 10, and the 20 tribal juvenile facilities from the Jails in Indian Country file in stratum 15.

The file produced by the Statistical Methods Branch has 530 records. We verified the sample selection by estimating the total number of persons assigned to beds for locally-operated and privately-operated facilities. There are 44,783 persons assigned to beds in locally-operated and privately-operated facilities in the 2012 JRFC that are in-scope for the 2013 SSV.

We use the Horvitz-Thompson estimator to estimate the total number of persons assigned to beds.

$$\hat{Y}_{HT} = \sum_{i=1}^{330} y_i(\text{weight}_i)$$

where  $y_i$  is the total number of persons assigned to beds for the  $i^{\text{th}}$  facility, and  $\text{weight}_i$  is the weight assigned to the  $i^{\text{th}}$  facility in the file produced by the Statistical Methods Branch. Table 7 shows the results.

Attachment 5 - Sample Design  
Juvenile Facilities

**Table 7. Estimated total number of persons assigned to beds in the locally-operated and privately-operated facilities in the juvenile sample**

| <b>Stratum number</b> | <b>Facilities in sample</b> | <b>Estimated total</b> |
|-----------------------|-----------------------------|------------------------|
| 20                    | 35                          | 3,041.00               |
| 30                    | 49                          | 4,603.00               |
| 40A                   | 38                          | 3,097.00               |
| 40B                   | 12                          | 1,023.99               |
| 40C                   | 37                          | 2,904.01               |
| 40D                   | 31                          | 1,825.00               |
| 40E                   | 40                          | 4,314.00               |
| 51                    | 4                           | 308.00                 |
| 52                    | 34                          | 2,101.00               |
| 53                    | 37                          | 3,765.00               |
| 60                    | 165                         | 12,653.00              |
| 63                    | 48                          | 5,148.00               |
|                       | <b>530</b>                  | <b>44,783.00</b>       |

**References**

“Sampling with Unequal Probabilities and without Replacement”

Hartley, H. O. and Rao, J.N.K.

*The Annals of Mathematical Statistics*, Vol. 33, No. 2. (Jun., 1962), pp. 350 - 374.

**Attachment 6**

Survey Request Letter

## Attachment 6 - Survey Request Letter

(MONTH/DAY), 2014

Name

Agency Name

Address

Address2

CityStZip

Dear XXXX:

I am writing to request your assistance in implementing the Prison Rape Elimination Act of 2003 (PREA; P.L. 108-79). As you may know, the Bureau of Justice Statistics (BJS) is tasked with annual data collection responsibilities under PREA. The Act requires BJS to “carry out, for each calendar year, a comprehensive statistical review and analysis of the incidence and effects of prison rape.” BJS is responsible for generating facility-level estimates of sexual assault in “not less than 10 percent” of jails, prisons, and juvenile facilities, as well as the prevalence of abuse among former inmates. In completing this task, BJS collects information on the characteristics of these incidents to aid correctional administrators in addressing the prevention, reporting, investigation, and prosecution of such incidents.

Every year since 2004 BJS has conducted the *Survey of Sexual Violence* (SSV) using administrative data reported to correctional authorities during the preceding year. For the calendar year 2013 data collection, the survey has been modified to ensure that definitions and reporting requirements align with those specified in *National Standards to Prevent, Detect, and Respond to Prison Rape*, under 28 CFR Part 115. At the same time, we have decided to rename the survey as the *Survey of Sexual Victimization*, to better reflect the array of incidents that are covered under PREA.

In January 2014, BJS released two reports that provided detailed findings from past SSV data collections. These reports, *Sexual Victimization Reported by Adult Correctional Authorities, 2009-11* and *Survey of Sexual Violence in Adult Correctional Facilities, 2009-11 – Statistical Tables*, are available online at the BJS website at <http://www.bjs.gov/>. We expect to release the survey results for juvenile facilities by August 2014.

We are now conducting the 2013 SSV, as mandated by PREA. We hope that you will take the time to complete the survey.

Please forward the enclosed forms to the person who is best able to complete the survey. As an alternative to filling out the enclosed forms, you may also complete this survey on the Web at <http://harvester.census.gov/ssv>. Your Web UserID and password appear on the enclosed summary form to the left of the address label.



## Attachment 6 - Survey Request Letter

The U.S. Census Bureau is the data collection agent for the 2013 SSV. Please return the enclosed form to the Census Bureau or complete the Web survey by **October 1, 2014**. If you need any assistance regarding your submission, please contact Greta Clark at the Census Bureau at 800-253-2078 or [govs.ssv@census.gov](mailto:govs.ssv@census.gov). If BJS can be of assistance, please contact Ramona Rantala, BJS statistician, at 202-307-6170 or [Ramona.Rantala@usdoj.gov](mailto:Ramona.Rantala@usdoj.gov).

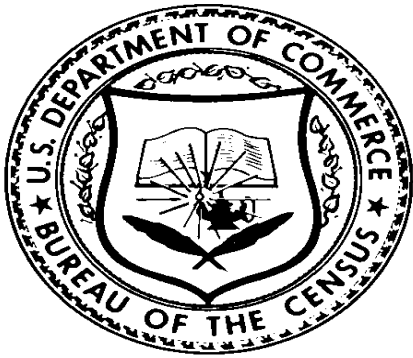
Sincerely,

Allen J. Beck, Ph.D.  
Senior Statistical Advisor

Enclosures.

## **Attachment 7**

Nonresponse Follow-up



**CRIMINAL JUSTICE  
STATISTICS BRANCH (CJSB)  
GOVERNMENTS DIVISION  
U.S. CENSUS BUREAU**

**FAX TRANSMISSION COVER SHEET**

**TO:**

**PHONE:**

**FAX:**

**FROM:** Greta Clark  
Survey of Sexual Violence,  
Project Manager

**PHONE:** 1-800-253-2078  
**FAX:** 1-888-891-2099

**SUBJECT:** Hello! We are still missing your 2013 Survey of Sexual Victimization submission that was due to us by August 4, 2014. Your response is very important to us.

Please complete this survey or pass it to someone who could complete it. You may complete your form and fax your response to me at 1-888-891-2099 or you may complete it online at <http://harvester.census.gov/ssv> using the userid and password on the front of the form. If you have any questions or need further assistance, please give me a call.

We are attempting to close out this survey in the next few weeks so your responses would be greatly appreciated.

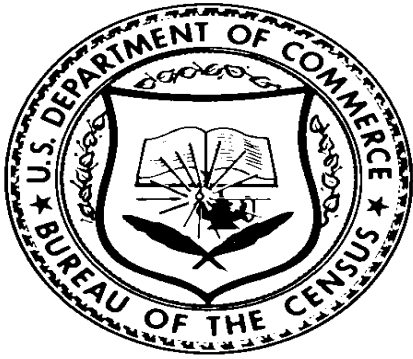
**NO. OF PAGES  
(including cover):**

**DATE SENT:**

\*\*\*\*\*

If the total number of pages indicated above are not received, please call the sender at:  
1-800-253-2078

\*\*\*\*\*



**CRIMINAL JUSTICE  
STATISTICS BRANCH (CJSB)  
GOVERNMENTS DIVISION  
U.S. CENSUS BUREAU**

**FAX TRANSMISSION COVER SHEET**

**TO:**

**PHONE:**

**FAX:**

**FROM:** Greta Clark  
Survey of Sexual Violence,  
Project Manager

**PHONE:** 1-800-253-2078  
**FAX:** 1-888-891-2099

**SUBJECT:** Hello! We are still missing your 2013 Survey of Sexual Victimization submission that was due to us by October 6, 2014. Your response is very important to us.

Please complete this survey or pass it to someone who could complete it. You may complete your form and fax your response to me at 1-888-891-2099 or you may complete it online at <http://harvester.census.gov/ssv> using the userid and password on the front of the form. If you have any questions or need further assistance, please give me a call.

We are attempting to close out this survey in the next few weeks so your responses would be greatly appreciated.

**NO. OF PAGES  
(including cover):**

**DATE SENT:**

\*\*\*\*\*  
If the total number of pages indicated above are not received, please call the sender at:  
1-800-253-2078  
\*\*\*\*\*