

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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117 STAT. 989

(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.

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 SSV-1 (3-6-2014)		 <p align="center">SURVEY OF SEXUAL VICTIMIZATION, 2013 Federal Bureau of Prisons Summary Form</p>		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				
OFFICIAL ADDRESS	Number and street or P.O. Box/Route Number		City	State	ZIP Code	
TELEPHONE	Area code	Number	FAX NUMBER	Area Code	Number	
E-MAIL ADDRESS						

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

<p>What facilities are included in this data collection?</p> <p>All confinement facilities operated by the Federal Bureau of Prisons.</p> <ul style="list-style-type: none"> • 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. <p>• EXCLUDE privately-operated facilities. (These facilities will be contacted directly for data on sexual victimization.)</p> <p>What inmates and incidents are included in this data collection?</p> <p>Inmates under your custody between January 1, 2013, and December 31, 2013.</p> <ul style="list-style-type: none"> • INCLUDE incidents involving inmates under the authority, custody, or care of your confinement or community-based facilities or staff. <p>• EXCLUDE incidents involving inmates held in local jails and facilities in other jurisdictions.</p>	<p>Reporting instructions:</p> <ul style="list-style-type: none"> • 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 (<input checked="" type="checkbox"/>) provided. <p>Substantiated incidents of sexual violence:</p> <ul style="list-style-type: none"> • Please complete an Incident Form (Adult, SSV-IA) for each substantiated incident of sexual victimization. <p>Returning forms:</p> <ul style="list-style-type: none"> • 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
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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 SSV-2 (3-5-2014)			SURVEY OF SEXUAL VICTIMIZATION, 2013 State Prison 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			
OFFICIAL ADDRESS	Number and street or P.O. Box/Route Number		City	State	ZIP Code	
TELEPHONE	Area code	Number	FAX NUMBER	Area Code	Number	
E-MAIL ADDRESS						

(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 FormU.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			
OFFICIAL ADDRESS	Number and street or P.O. Box/Route Number		City	State	ZIP Code
TELEPHONE	Area code	Number	FAX NUMBER	Area Code	Number
E-MAIL ADDRESS					

*(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
Inmates on December 31, 2013 . . .	<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
New admissions during 2013	<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
Average daily population	<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			
OFFICIAL ADDRESS	Number and street or P.O. Box/Route Number		City	State	ZIP Code
TELEPHONE	Area code	Number	FAX NUMBER	Area Code	Number
E-MAIL ADDRESS					

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

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
New admissions during 2013	<input style="width: 50px; height: 20px;" type="text"/>	<input type="checkbox"/>	<input style="width: 50px; height: 20px;" type="text"/>

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
Average daily population	<input style="width: 50px; height: 20px;" type="text"/>	<input type="checkbox"/>	<input style="width: 50px; height: 20px;" type="text"/>

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

(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 FormU.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			
OFFICIAL ADDRESS	Number and street or P.O. Box/Route Number		City	State	ZIP Code
	TELEPHONE	Area code	Number	FAX NUMBER	Area Code
E-MAIL ADDRESS					

(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
<input type="text"/>	<input type="text"/>	<input type="text"/>

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
- 02 Female
- 03 Transgender
- 04 Intersex

20. Perpetrator #1: What was the perpetrator'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

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
- 02 Female
- 03 Transgender
- 04 Intersex

23. Perpetrator #2: What was the perpetrator'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

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^{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

Obs	ID	Measure of size	Weight	Measure of size * weight
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
				109,990.0689

Table 2. Estimated CVs for this sample design

Estimate	Estimated variance	Total	CV
Adult females	549,267.26	7,321	10.1%
Adult males	892,665.45	90,872	1.0%

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

Stratum number	Description	Units in 2011 Deaths in Custody File	Units in sample	Sample weight
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
		2,844	700	

Table 3. Estimated coefficients of variation for the public jails sample design

Estimate	Coefficient of variation
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
				16,721.8815

Attachment 5 - Sample Design
Private Jails

Table 2. Estimated coefficients of variation for this sample design

Estimate	Estimated variance	2011 total	CV
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 measure of size	Sampling Weight	Adjusted measure of size * Sampling 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

Estimate	Estimated variance	2011 total	CV
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 Victimization¹ (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.

¹ 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
TOTALS		2005	947

Calculating the coefficients of variation for this sample²

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 π_i is the probability that the i^{th} unit is selected for the sample. For more details, see equation 5.17 in Harley and Rao (1962).

² 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^{th} facility, and weight_i is the weight assigned to the i^{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

Stratum number	Facilities in sample	Estimated total
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
	530	44,783.00

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. If BJS can be of assistance, please contact Ramona Rantala, BJS statistician, at 202-307-6170 or Ramona.Rantala@usdoj.gov.

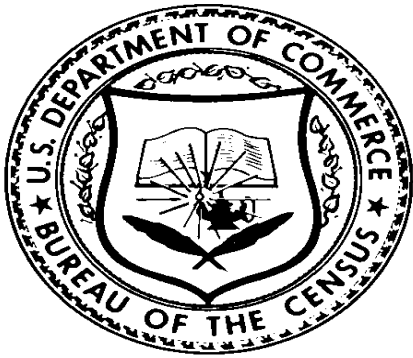
Sincerely,

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.

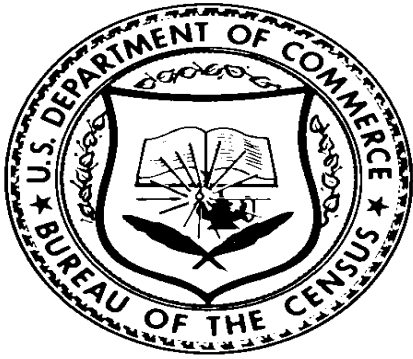
Please complete this survey or pass it to someone who could complete it. You may complete your form and fax your response to me at 1-888-891-2099 or you may complete it online at <http://harvester.census.gov/ssv> using the userid and password on the front of the form. If you have any questions or need 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
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