

Attachment 1

Public Law 108-79

PUBLIC LAW 108-79—SEPT. 4, 2003

PRISON RAPE ELIMINATION ACT OF 2003

117 STAT. 972

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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

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.

117 STAT. 978

PUBLIC LAW 108–79—SEPT. 4, 2003

(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;

(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;

(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.—

President.

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

(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;

(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 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.

(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

PUBLIC LAW 108-79—SEPT. 4, 2003

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**
(5-17-2017)**SURVEY OF SEXUAL VICTIMIZATION, 2016**
Federal Bureau of Prisons
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 operated by the Federal Bureau of Prisons.

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

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

What inmates and incidents are included in this data collection?

Inmates under your custody between January 1, 2016, and December 31, 2016.

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

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

Reporting instructions:

- Please complete the entire SSV-1 Form.
- If the answer to a question is "not available" or "unknown," write "DK" (do not know) in the space provided.
- If the answer to a question is "not applicable," write "NA" in the space provided.
- If the answer to a question is "none" or "0," mark the box () provided.

Substantiated incidents of sexual violence:

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

Returning forms:

- If you need assistance, please call **Greta Clark** at the **U.S. Census Bureau** toll-free at **1-800-253-2078**, or e-mail **govs.ssv@census.gov**
- **Please return your completed summary and substantiated incident forms by August 15, 2017.**
- **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): 1-888-262-3974**

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, 2016, and December 31, 2016, 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 a preponderance of the 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.

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 Section II.

5. Between January 1, 2016, and December 31, 2016, 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.

8. Between January 1, 2016, and December 31, 2016, how many allegations of inmate-on-inmate SEXUAL HARASSMENT were reported?

Number reported None

- If an allegation involved multiple victims or 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 include—

- Intentional touching, either directly or through the clothing, 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). Include—

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

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, 2016, and December 31, 2016, how many allegations of STAFF SEXUAL MISCONDUCT were reported?

Number reported None

- If an allegation involved multiple victimizations, 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, 2016, and December 31, 2016, 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 a Substantiated Incident Form (Adult, SSV-IA) for each substantiated incident of sexual victimization.**

NOTES

FORM **SSV-2**
(5-17-2017)



SURVEY OF SEXUAL VICTIMIZATION, 2016
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, 2016, and December 31, 2016.

- 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 "0," mark the box (X) provided.

Substantiated incidents of sexual violence:

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

Returning forms:

- If you need assistance, please call **Greta Clark** at the **U.S. Census Bureau** toll-free at **1-800-253-2078**, or e-mail **govs.ssv@census.gov**
- **Please return your completed summary and substantiated incident forms by August 15, 2017.**
- **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): 1-888-262-3974**

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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 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, 2016, and December 31, 2016, 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 a preponderance of the 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.

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 Section II.

5. Between January 1, 2016, and December 31, 2016, 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.

8. Between January 1, 2016, and December 31, 2016, how many allegations of inmate-on-inmate SEXUAL HARASSMENT were reported?

Number reported None

- If an allegation involved multiple victims or 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 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 include—

- Intentional touching, either directly or through the clothing, 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). Include—

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

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, 2016, and December 31, 2016, how many allegations of STAFF SEXUAL MISCONDUCT were reported?

Number reported None

- If an allegation involved multiple victimizations, 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, 2016, and December 31, 2016, 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 a Substantiated Incident Form (Adult, SSV-IA) for each substantiated incident of sexual victimization.

NOTES

FORM **SSV-3**
(4-26-2017)**SURVEY OF SEXUAL VICTIMIZATION, 2016**
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 multi-jurisdictional facilities (e.g., regional jails).
- INCLUDE special jail facilities (e.g., medical/treatment/release centers, halfway houses, and work farms).

- **EXCLUDE privately-operated jails. (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, 2016, and December 31, 2016.

- 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.
- Section I: when exact numeric answers are not available, provide estimates and mark (X) the box beside each figure.
- Sections II, III, and IV: if the answer to a question is "none" or "zero," write "0" or 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 **1-888-369-3613, option 2**, or e-mail **govs.ssv@census.gov**
- **Please return your completed summary and substantiated incident forms by August 1, 2017.**
- **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): 1-888-262-3974**

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

Section II – INMATE-ON-INMATE SEXUAL VICTIMIZATION

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

a. CONFINED in your jail facilities on December 31, 2016?

- 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, 2016 . . .	<input type="text"/>	<input type="text"/>
	<input type="checkbox"/>	<input type="checkbox"/>

b. ADMITTED to your jail facilities during 2016?

- 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 2016	<input type="text"/>	<input type="text"/>
	<input type="checkbox"/>	<input type="checkbox"/>

2. Between January 1, 2016, and December 31, 2016, 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, 2016, through December 31, 2016, and divide the result by 365.

	Male	Female
Average daily population	<input type="text"/>	<input type="text"/>
	<input type="checkbox"/>	<input type="checkbox"/>

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 local jail jurisdiction record allegations of inmate-on-inmate NONCONSENSUAL SEXUAL ACTS? (See definitions on page 2.)

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, 2016, and December 31, 2016, 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 a preponderance of the 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, 2016, and December 31, 2016, 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.

Section III - STAFF-ON-INMATE SEXUAL ABUSE

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 Section III.

10. Between January 1, 2016, and December 31, 2016, how many allegations of inmate-on-inmate SEXUAL HARASSMENT were reported?

Number reported _____ None

- If an allegation involved multiple victims or 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 11a through 11d) _____ None

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

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 include—

- Intentional touching, either directly or through the clothing, 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). Include—

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

OR

- Repeated profane or obscene language or gestures.

12. Does your local jail jurisdiction record allegations of STAFF SEXUAL MISCONDUCT?
(See definitions on page 4.)

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, 2016, and December 31, 2016, how many allegations of STAFF SEXUAL MISCONDUCT were reported?

Number reported None

- If an allegation involved multiple victimizations, 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?
(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 18.

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

16. Between January 1, 2016, and December 31, 2016, 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 a Substantiated Incident Form (Adult, SSV-IA) for each substantiated incident of sexual victimization.**

FORM **SSV-4**
(4-26-2017)**SURVEY OF SEXUAL VICTIMIZATION, 2016**
Other Correctional 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	Number
E-MAIL ADDRESS					

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

- **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. INCLUDE privately operated multi-jurisdictional facilities.
- **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, 2016, and December 31, 2016.

- 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.
- Section I: when exact numeric answers are not available, provide estimates and mark (X) the box beside each figure.
- Sections II, III, and IV: if the answer to a question is "none" or "zero," write "0" or mark the box (X) provided.

Substantiated incidents of sexual violence:

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

Returning forms:

- If you need assistance, please call **Greta Clark** at the **U.S. Census Bureau** toll-free at **1-888-369-3613, option 2**, or e-mail **govs.ssv@census.gov**
- **Please return your completed summary and substantiated incident forms by August 1, 2017.**
- **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: 1-888-262-3974**

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

Section II – INMATE-ON-INMATE SEXUAL VICTIMIZATION

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

a. CONFINED on December 31, 2016?

- 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, 2016 . . .	<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 2016?

- 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 2016	<input style="width: 50px; height: 20px;" type="text"/>	<input type="checkbox"/>	<input style="width: 50px; height: 20px;" type="text"/>

2. Between January 1, 2016, and December 31, 2016, 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, 2016, through December 31, 2016, 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"/>

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? (See definitions on page 2.)

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, 2016, and December 31, 2016, 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 a preponderance of the 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, 2016, and December 31, 2016, 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.

Section III – STAFF-ON-INMATE SEXUAL ABUSE

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 Section III.

10. Between January 1, 2016, and December 31, 2016, how many allegations of inmate-on-inmate SEXUAL HARASSMENT were reported?

Number reported None

- If an allegation involved multiple victims or 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.

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 include—

- Intentional touching, either directly or through the clothing, 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). Include—

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

OR

- Repeated profane or obscene language or gestures.

12. Does your facility record allegations of STAFF SEXUAL MISCONDUCT? (See definitions on page 4.)

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, 2016, and December 31, 2016, how many allegations of STAFF SEXUAL MISCONDUCT were reported?

Number reported None

- If an allegation involved multiple victimizations, 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? (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 18.

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

16. Between January 1, 2016, and December 31, 2016, 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 a Substantiated Incident Form (Adult, SSV-IA) for each substantiated incident of sexual victimization.

FORM **SSV-5**
(5-11-2017)

SURVEY OF SEXUAL VICTIMIZATION, 2016
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
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, 2016, and December 31, 2016.

- 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.
- Section I: when exact numeric answers are not available, provide estimates and mark () the box beside each figure.
- Sections II, III, and V: if the answer to a question is "none" or "zero," write "0" or mark the box () provided.

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 summary and substantiated incident forms by August 15, 2017.**
- **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): 1-888-262-3974**

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, 2016, 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, 2016, how many persons held in the facilities reported in Item 1 were —

a. Males

b. Females

c. TOTAL (Sum of Items 2a and 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, 2016.

3. On December 31, 2016, 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 through 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, 2016.

4. Between January 1, 2016, and December 31, 2016, 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, 2016, and December 31, 2016, 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 a preponderance of the 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 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 11.

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

9. Between January 1, 2016, and December 31, 2016, 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.

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 Section III.

12. Between January 1, 2016, and December 31, 2016, how many allegations of youth-on-youth SEXUAL HARASSMENT were reported?

Number reported None

- If an allegation involved multiple victims or youth perpetrators, 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 a youth by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friend or other visitors).

Sexual relationships of a romantic nature between staff and youths are included in this definition. Consensual or nonconsensual sexual acts include—

- Intentional touching, either directly or through the clothing, 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). Include—

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

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, 2016, and December 31, 2016, how many allegations of STAFF SEXUAL MISCONDUCT were reported?

Number reported None

- If an allegation involved multiple victimizations, 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 20.

02 No → Please provide an explanation in the space below and then skip to Item 20.

18. Between January 1, 2016, and December 31, 2016, 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 a Substantiated Incident Form (Juvenile, SSV-IJ) for each substantiated incident of sexual victimization.

NOTES

FORM **SSV-6**
(5-11-2017)**SURVEY OF SEXUAL VICTIMIZATION, 2016**
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, 2016, and December 31, 2016.

- 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.
- Section I: when exact numeric answers are not available, provide estimates and mark (X) the box beside each figure.
- Sections II, III, and V: if the answer to a questions "none" or "zero," write "0" or mark the box (X) provided.

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 summary and substantiated incident forms by August 15, 2017.**
- **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): 1-888-262-3974**

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, 2016, how many persons held in this facility were —

a. Males

b. Females

c. TOTAL (Sum of Items 3a and 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, 2016.

4. On December 31, 2016, 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 through 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, 2016.

5. Between January 1, 2016, and December 31, 2016, 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, 2016 and December 31, 2016, 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.

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 a preponderance of the 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, 2016, and December 31, 2016, 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 Section III.

13. Between January 1, 2016, and December 31, 2016, how many allegations of youth-on-youth SEXUAL HARASSMENT were reported?

Number reported None

- If an allegation involved multiple victims or 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 youths are included in this definition. Consensual or nonconsensual sexual acts include—

- Intentional touching, either directly or through the clothing, 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). Include—

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

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, 2016, and December 31, 2016, how many allegations of STAFF SEXUAL MISCONDUCT were reported?

Number reported None

- If an allegation involved multiple victimizations, 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, 2016, and December 31, 2016, 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 a Substantiated Incident Form (Juvenile, SSV-IJ) for each substantiated incident of sexual victimization.**

NOTES



SURVEY OF SEXUAL VICTIMIZATION, 2016

Substantiated Incident Form (Adult)

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

See item 25 on page 3

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, 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, hallway)
- 07 In an instructional area (e.g., classroom, school, library, conference room)
- 08 In a recreation area (e.g., yard, courtyard, gymnasium)
- 09 In a medical area (e.g., infirmary, health clinic)
- 10 In a staff area (e.g., 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 Time unknown

6. How many victims were involved in the incident?

Number of victims . . .

→ If more than two victims were involved, report their characteristics in Notes on page 5.

7. Victim #1: What was the victim's sex or gender identity? (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 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 sex or gender identity? (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 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 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 staff)
- 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, below
- 02 Inmate-on-inmate abusive sexual contact → Complete Section A, below
- 03 Inmate-on-inmate sexual harassment → Complete Section A, below
- 04 Staff sexual misconduct → Complete Section B on pages 4–5
- 05 Staff sexual harassment → Complete Section B on pages 4–5

Section A – INMATE-ON-INMATE SEXUAL VICTIMIZATION

→ If the perpetrator was a staff member, go to Section B on pages 4–5.

18. How many inmate perpetrators were involved in the incident?

Number of inmate perpetrators . . .

→ If more than two inmate perpetrators were involved, report their characteristics in Notes on page 5.

19. Perpetrator #1: What was the inmate perpetrator's sex or gender identity?

(See definitions on page 5.)

- 01 Male 03 Transgender
02 Female 04 Intersex

20. Perpetrator #1: What was the inmate 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 or older
03 25-29 06 40-44

21. Perpetrator #1: What was the inmate perpetrator's race/ethnic origin?

(Mark 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 inmate perpetrator's sex or gender identity?

(See definitions on page 5.)

- 01 Male 03 Transgender
02 Female 04 Intersex

23. Perpetrator #2: What was the inmate 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 or older
03 25-29 06 40-44

24. Perpetrator #2: What was the inmate perpetrator's race/ethnic origin?

(Mark 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 all that apply.)

- ~~01 Voluntary sexual contact between inmates~~
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 inmate perpetrator on the victim?

(Mark 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 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

→ If the perpetrator was an inmate, go to Section A on pages 2-3.

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, showed pictures, or offered gifts or special privileges to inmate
- 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 their characteristics in Notes on page 5.

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 supervisory staff
- 03 Clerical staff 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, diminished responsibilities, or suspended temporarily
- 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 include—

Intentional touching, either directly or through the clothing, 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 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). Include demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing;

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, 2016

Substantiated 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

See item 25 on page 3

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, 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, hallway)
- 07 In an instructional area (e.g., classroom, school, library, conference room)
- 08 In a recreation area (e.g., yard, courtyard, gymnasium)
- 09 In a medical area (e.g., infirmary, health clinic)
- 10 In a 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 their characteristics in Notes on page 5.**

7. Victim #1: What was the victim's sex or gender identity? *(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 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 sex or gender identity? *(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 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 staff)
- 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, below
- 02 Youth-on-youth abusive contact → Complete Section A, below
- 03 Youth-on-youth sexual harassment → Complete Section A, below
- 04 Staff sexual misconduct → Complete Section B on pages 4–5
- 05 Staff sexual harassment → Complete Section B on pages 4–5

Section A – YOUTH-ON-YOUTH SEXUAL VICTIMIZATION

→ If the perpetrator was a staff member, go to Section B on pages 4–5.

18. How many youth perpetrators were involved in the incident?

Number of youth perpetrators . . .

→ If more than two youth perpetrators were involved, report their characteristics in Notes on page 5.

19. Perpetrator #1: What was the youth perpetrator's sex or gender identity? (See definitions on page 5.)

- 01 Male 03 Transgender
02 Female 04 Intersex

20. Perpetrator #1: What was the youth perpetrator's age at the time of the incident?

- 01 Under age 13 04 18–19
02 13–15 05 20–24
03 16–17 06 25 or older

21. Perpetrator #1: What was the youth 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 youth perpetrator's sex or gender identity? (See definitions on page 5.)

- 01 Male 03 Transgender
02 Female 04 Intersex

23. Perpetrator #2: What was the youth perpetrator's age at the time of the incident?

- 01 Under age 13 04 18–19
02 13–15 05 20–24
03 16–17 06 25 or older

24. Perpetrator #2: What was the youth 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 youth 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

→ If the perpetrator was a youth, go to Section A on pages 2-3.

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, showed pictures, or offered gifts or special privileges to youth
- 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 their characteristics in Notes on page 5.

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 supervisory staff
- 03 Clerical staff 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, diminished responsibilities, or suspended temporarily
- 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 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 youths are included in this definition. Consensual or nonconsensual sexual acts include—

Intentional touching, either directly or through the clothing, 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 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). Include demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing;

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

Comments Received during 60-Day Notice

Rantala, Ramona (OJP)

From: Meghan Maury <mmaury@thetaskforce.org>
Sent: Monday, February 26, 2018 10:54 AM
To: Rantala, Ramona (OJP)
Subject: Survey of Sexual Victimization

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning,

I'm writing to request a copy of the revised survey of sexual victimization, listed in the Federal Register here: <https://www.federalregister.gov/d/2018-03813>. I'm interested in understanding what changes were made to the survey. If you have any additional information about the changes made, that would be much appreciated as well!

Best,
Meghan

Meghan Maury
Policy Director
National LGBTQ Task Force
mmaury@thetaskforce.org
(202) 639-6322

PRIVILEGE AND CONFIDENTIALITY NOTICE: This email and any attachments may contain privileged or confidential information and is/are for the sole use of the intended recipient(s). Any unauthorized use or disclosure of this communication is prohibited. If you believe that you have received this email in error, please notify the sender immediately and delete it from your system.

Rantala, Ramona (OJP)

From: Prisk, Kendra <Kendra.Prisk@fdc.myflorida.com>
Sent: Monday, March 05, 2018 2:23 PM
To: Rantala, Ramona (OJP)
Subject: Agency Information Collection Activities; Proposed Collection Comments Requested; Extension With Change of Currently Approved Collection: 2017-19 Survey of Sexual Victimization (SSV)

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon. I am not sure how to submit a comment related to the SSV as when I click "submit a formal comment" it takes me to a section of the page and then does not allow for any comments or submission. The comment I have is below. Thank you

The SSV and PREA should more closely match as PREA has sexual abuse and sexual harassment, whereas the SSV has Non-Consensual Sex Acts, Abusive Sexual Contact, Staff Sexual Misconduct and then Sexual Harassment for both inmate on inmate and staff on inmate. Also, the SSV asks for completed and attempted. An attempted sexual assault may not always meet the PREA definitions and thus may not technically be considered a PREA incident. For agencies who do data collection, the broad definitions of PREA and then the very narrow definitions of the SSV are conflicting sometimes and cause data collection issues. Thank you

Kendra Prisk
Prison Rape Elimination Act (PREA) Coordinator/Operations Manager
Florida Department of Corrections
Office of Institutions
Phone: 850-717-3303
Cell: 850-688-5092
Fax: 850-413-8184

Our Vision: "Inspiring success by transforming one life at a time."



Corrections and Community Supervision

ANDREW M. CUOMO
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

April 26, 2018

Ms. Ramona Rantala
Statistician, Bureau of Justice Statistics
810 Seventh Street NW
Washington, DC 20531
Ramona.Rantala@usdoj.gov

Re: DOJ, BJS OMB Number 1121-0292 SSV Public Comment

Dear Ms. Rantala:

On behalf of the New York State Department of Corrections and Community Supervision(DOCCS), please accept these comments and proposed changes to the Survey of Sexual Victimization collection instrument in response to the request for public comment for the Office of Management and Budget (OMB) for your review and consideration.

Our comments address the following points concerning this request:

1. Evaluate the accuracy of the estimated burden of completing the SSV.
2. Evaluate whether the quality, utility, and clarity of the information collected can be enhanced.
3. Can the burden be minimized using automated, electronic or technological techniques?

Comment 3

1. Evaluate the accuracy of the estimated burden of completing the SSV.

The Bureau of Justice Statistics estimates the time to complete the SSV-2 (summary form) is approximately 60 minutes and 30 minutes to complete the SSV-IA (individual form). DOCCS experience is that this estimate is not accurate.

On average, it takes 90-120 minutes to complete each SSV-IA form and 30-45 minutes to complete the SSV-2. Both forms are subject to a four-tier review process to verify the data for completion. Each substantiated incident form is first completed by the case investigator and uploaded in PDF format. Once completed, the PREA Analyst conducts a second review of the details in each incident and completes a revised form. A final review is conducted in conjunction with the Agency-Wide PREA Coordinator, the Office of Special Investigations and the Division of Program, Planning, Research & Evaluation. A final draft is completed and forwarded to the Commissioner for final approval. Once

approved, the DOCCS PREA Analyst must re-enter all required information through the Census Bureau secure website.

DOCCS recommends allowing agencies to submit the SSV-2 and SSV-IA forms in an electronic format. This could either be accomplished by permitting the agency to upload the PDF fillable forms or through submission of .csv files setting forth the data in a format proscribed by BJS. See response to # 3 for further discussion.

Comment 4

2. Evaluate whether the quality, utility, and clarity of the information collected can be enhanced.

DOCCS has reviewed the SSV-IA and SSV-2 forms for this request for public comment. After a careful review, we offer the following suggestions for your consideration.

Comment 4a

SSV-IA - Question # 4 “Did the incident take place in an area subject to video monitoring?”

New York State DOCCS recognizes that the use of video monitoring technology is expanding and changing. In particular, DOCCS is currently piloting the use of body worn cameras in several facilities and, through the Body-Worn Camera (BWC) Policy and Implementation Program FY 2017 Competitive Grant, we will be expanding this program. DOCCS recommends expanding the responses to this question to include both fixed and portable video recording capabilities.

Comment 4b

SSV-IA - Question # 17 “What type of sexual violence was involved in the incident? (See definitions on page 5.)”

This question seeks to place each allegation in a category of sexual abuse or sexual harassment by type of misconduct and status of perpetrator (i.e., staff or inmate). DOCCS has experienced allegations where the inmate victim could not or does not identify whether the perpetrator was a staff member or an inmate. In these cases, it is not possible to choose the type of sexual violence involved in the incident. The inmate is provided with the same level of care and response protocols remain the same. However, this type of allegation does not fall under the definitions provided on page 5 of the SSV-IA. We suggest including a new type of sexual violence – “Sexual Abuse - Perpetrator Type Unidentified”.

Comment 4c1

SSV-IA - Question # 25 “What was the nature of the incident? (Mark () all that apply.)”

Remove value number 01 “voluntary sexual contact between inmates” – consensual sexual contact between inmates is excluded from the survey and do not fall under PREA. We suggest replacing this option with a new choice in question # 25 – “involuntary sexual contact resulting from a lack of capacity to consent.”

Comment 4c2

SSV-IA - Question # 26 “What type of pressure or physical force was used by the inmate perpetrator on the victim? (Mark () all that apply for all perpetrators.)”

Similar to the recommendation above, there are incarcerated individuals who lack the legal capacity to consent to consensual sexual contact and represent a more vulnerable population. In these scenarios, the individual would not have the legal ability to consent to a sexual act with another inmate or any other individual. We suggest adding a value to question # 26 – “lack of capacity to consent”.

Comment 4d

SSV-IA - Question # 37 “What was the primary position description of the staff involved in the incident? (Mark () all that apply for all staff involved.)”

DOCCS suggests revisions to the options for categories of staff involved. Category 02 should be limited to “correctional officer.” New choices should be added for “uniformed supervisory staff,” “non-uniformed supervisory staff,” and “Program staff including counselors, case managers, case workers” as additional choices.

Comment 4e

SSV-2 summary form – Various questions asking how many of each case type had a particular outcome determination for PREA allegations made during the previous calendar year.

The investigative process can take time to complete, or to reach a final adjudication where the allegations are substantiated. Cases which are ongoing at the time of survey submission will be closed at a later date. Outcome determinations for cases closed after survey submission are not captured or included in any measure by BJS.

DOCCS recommends adding a mechanism for the reporting the outcome of allegations that were reported as ongoing in the previous survey year.

Comment 5

3. Can the burden be minimized using automated, electronic or technological techniques?

As described in the comments above regarding the estimated length of time required to complete the SSV-2 and SSV-IA, and for ease of reporting, we suggest developing a mechanism to allow agencies to submit their data without having to re-enter the responses through the Census Bureau website. We suggest either permitting the agencies to upload the electronically completed PDF versions of the questionnaires or, in the alternative, developing a process to allow agencies to submit one complete .csv file rather than a separate form for each individual incident. Such a process will reduce the burden of completing the survey documents, and increase the accuracy by minimize the potential for error when transposing the data. As a result, it will reduce the amount of time required for a thorough and complete review.

Sincerely,



Jason D. Effman
Associate Commissioner

Rantala, Ramona (OJP)

From: jean public <jeanpublic1@gmail.com>
Sent: Monday, February 26, 2018 2:34 PM
To: Rantala, Ramona (OJP)
Subject: Re: Delivery Status Notification (Failure)

Follow Up Flag: Follow up
Flag Status: Flagged

sorry I misspelled your name

On Mon, Feb 26, 2018 at 2:14 PM, Mail Delivery Subsystem <mailer-daemon@googlemail.com> wrote:



Address not found

Your message wasn't delivered to **ramona.rantal@usdoj.gov** because the address couldn't be found, or is unable to receive mail.

The response from the remote server was:

550 5.1.1 <ramona.rantal@usdoj.gov>... User Unknown

Final-Recipient: rfc822; ramona.rantal@usdoj.gov

Action: failed

Status: 5.1.1

Remote-MTA: dns; mx-jdcw.usdoj.gov. (2607:f330:8400:402::25, the server for the domain usdoj.gov.)

Diagnostic-Code: smtp; 550 5.1.1 <ramona.rantal@usdoj.gov>... User Unknown

Last-Attempt-Date: Mon, 26 Feb 2018 11:14:51 -0800 (PST)

----- Forwarded message -----

From: jean public <jeanpublic1@gmail.com>

To: ramona.rantal@usdoj.gov, americanvoices@mail.house.gov, INFO <INFO@taxpayer.net>, media <media@cagw.org>, INFO@njtaxes.org, info@afphq.org

Cc:

Bcc:

Date: Mon, 26 Feb 2018 14:14:48 -0500

Subject: Re: cdc does a duplicae surey - why are taxpayers paying for two of them - cut the waste please
public comment on federasl registet

Comment 6

this does not have to be done every [year.it](#) can be done every 3 to 5 yearsw. there is no reason at all to spend this huge amount of money and employee time on this survey every single year. what action will result when you get the results of this survey? nothing. its just to do a press release? that makes no sense, spending all this time and money when the only result will be a press release. please send me the latest report and action you have developed from the last such survey on this subject you used tax dollars to cover. it is clear that this survey is worthless and we need to downsize what is not accomplishing anything and losing tax dollars for nothing. this comment is for the public record. please receipt. jean publicie jeanpublic1@gmail.com

On Mon, Feb 26, 2018 at 9:43 AM, barbara sachau <bsachau@gmail.com> wrote:

- > Federal Register, Volume 83 Issue 38 (Monday, February 26, 2018)
- >
- > [Federal Register Volume 83, Number 38 (Monday, February 26, 2018)]
- > [Notices]
- > [Page 8300]
- > From the Federal Register Online via the Government Publishing Office [www.gpo.gov]
- > [FR Doc No: 2018-03813]
- >
- >
- > -----
- >
- > DEPARTMENT OF JUSTICE
- >
- > [OMB Number 1121-0292]
- >
- >
- > Agency Information Collection Activities; Proposed Collection
- > Comments Requested; Extension With Change of Currently Approved
- > Collection: 2017-19 Survey of Sexual Victimization (SSV)
- >
- > AGENCY: Bureau of Justice Statistics, Department of Justice.
- >
- > ACTION: 60-Day Notice.
- >
- > -----
- >
- > SUMMARY: The Department of Justice (DOJ), Office of Justice Programs,
- > Bureau of Justice Statistics, will be submitting the following
- > information collection request to the Office of Management and Budget
- > (OMB) for review and approval in accordance with the Paperwork
- > Reduction Act of 1995.
- >
- > DATES: Comments are encouraged and will be accepted for 60 days until
- > April 27, 2018.
- >

> FOR FURTHER INFORMATION CONTACT: If you have additional comments
> especially on the estimated public burden or associated response time,
> suggestions, or need a copy of the proposed information collection
> instrument with instructions or additional information, please contact
> Ramona Rantala, Statistician, Bureau of Justice Statistics, 810 Seventh
> Street NW, Washington, DC 20531 (email: Ramona.Rantala@usdoj.gov;
> telephone: [202-307-6170](tel:202-307-6170) <(202)%20307-6170>).

>
> SUPPLEMENTARY INFORMATION: Written comments and suggestions from the
> public and affected agencies concerning the proposed collection of
> information are encouraged. Your comments should address one or more of
> the following four points:

>
> --Evaluate whether the proposed collection of information is necessary
> for the proper performance of the functions of the Bureau of Justice
> Statistics, including whether the information will have practical
> utility;
> --Evaluate the accuracy of the agency's estimate of the burden of the
> proposed collection of information, including the validity of the
> methodology and assumptions used;
> --Evaluate whether and if so how the quality, utility, and clarity of
> the information to be collected can be enhanced; and
> --Minimize the burden of the collection of information on those who are
> to respond, including through the use of appropriate automated,
> electronic, mechanical, or other technological collection techniques or
> other forms of information technology, e.g., permitting electronic
> submission of responses.

>
> Overview of This Information Collection

>
> 1. Type of Information Collection: Extension with change of a
> currently approved collection.
> 2. The Title of the Form/Collection: Survey of Sexual Victimization
> [formerly the Survey of Sexual Violence].
> 3. The agency form number, if any, and the applicable component of
> t

----- Message truncated -----

Rantala, Ramona (OJP)

From: Effman, Jason D (DOCCS) <Jason.Effman@doccs.ny.gov>
Sent: Monday, May 21, 2018 12:16 PM
To: Rantala, Ramona (OJP)
Subject: RE: DOJ, BJS OMB Number 1121-0292 SSV Public Comment

Comment 7

Ramona,

It recently occurred to me (too late to include in our formal comments) that the SSV-IA does not include any data on pregnancy resulting from staff-on-inmate sexual abuse. I note that 115.83 (d) requires that prisons and jails offer pregnancy tests to inmate victims of sexually abusive vaginal penetration. Thus, I suggest that pregnancy testing should be included in question 15 on the SSV-IA.

It might also be helpful to know if pregnancy resulted from the incident. Perhaps this could be considered a class of injury for reporting under question 13.

I hope that these recommendations are able to be considered with the pending revisions to the SSV.

Thank you,
Jason

Jason D. Effman

Associate Commissioner and PREA Coordinator

NYS Department of Corrections and Community Supervision

The Harriman State Campus, 1220 Washington Avenue, Albany, NY 12226-2050
518-457-3955 | jason.effman@doccs.ny.gov

www.doccs.ny.gov

Attachment 5

Confidentiality Laws

§10132. 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 as "Bureau").

(b) Appointment of Director; experience; authority; restrictions

The Bureau shall be headed by a Director appointed by the President. 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 be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure. 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; 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, tribal, and local justice policy and decisionmaking;
- (4) collect and analyze statistical information, concerning the operations of the criminal justice system at the Federal, State, tribal, 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, tribal, and local levels;
- (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, tribal, and local levels, and about the extent, distribution and attributes of crime, and juvenile delinquency, in the Nation and at the Federal, State, tribal, 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 and in Indian country;
- (8) recommend national standards for justice statistics and for insuring the reliability and validity of justice statistics supplied pursuant to this chapter;
- (9) maintain liaison with the judicial branches of the Federal Government and State and tribal 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, tribal, and local governments, and the general public on justice statistics;
- (11) establish or assist in the establishment of a system to provide State, tribal, 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, Indian tribes, 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, tribal, 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, tribal, and local criminal justice agencies on their drug enforcement activities;

(18) provide for the development and enhancement of State, tribal, 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 improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of State and tribal criminal history and related records, support the development and enhancement of national systems of criminal history and related records including the National Instant Criminal Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center, facilitate State and tribal participation in national records and information systems, and support statistical research for critical analysis of the improvement and utilization of criminal history records;

(20) maintain liaison with State, tribal, 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 10231 of this title](#) and identify, analyze, and participate in the development and implementation of privacy, security and information policies which impact on Federal, tribal, and State criminal justice operations and related statistical activities; and

(23) exercise the powers and functions set out in subchapter VII.

(d) Justice statistical collection, analysis, and dissemination

(1) In general

To ensure that all justice statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Director is authorized to-

(A) 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;

- (B) confer and cooperate with State, municipal, and other local agencies;
- (C) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this chapter;
- (D) seek the cooperation of the judicial branch of the Federal Government in gathering data from criminal justice records;
- (E) encourage replication, coordination and sharing among justice agencies regarding information systems, information policy, and data; and
- (F) confer and cooperate with Federal statistical agencies as needed to carry out the purposes of this subchapter, including by entering into cooperative data sharing agreements in conformity with all laws and regulations applicable to the disclosure and use of data.

(2) Consultation with Indian tribes

The Director, acting jointly with the Assistant Secretary for Indian Affairs (acting through the Office of Justice Services) and the Director of the Federal Bureau of Investigation, shall work with Indian tribes and tribal law enforcement agencies to establish and implement such tribal data collection systems as the Director determines to be necessary to achieve the purposes of this section.

(e) Furnishing of information, data, or reports by Federal agencies

Federal agencies requested to furnish information, data, or reports pursuant to subsection (d)(1)(C) shall provide such information to the Bureau as is required to carry out the purposes of this section.

(f) Consultation with representatives of State, tribal, and local government and judiciary

In recommending standards for gathering justice statistics under this section, the Director shall consult with representatives of State, tribal, and local government, including, where appropriate, representatives of the judiciary.

(g) Reports

Not later than 1 year after July 29, 2010, and annually thereafter, the Director shall submit to Congress a report describing the data collected and analyzed under this section relating to crimes in Indian country.

(Pub. L. 90–351, title I, §302, as added Pub. L. 96–157, §2, Dec. 27, 1979, 93 Stat. 1176 ; amended Pub. L. 98–473, title II, §605(b), Oct. 12, 1984, 98 Stat. 2079 ; Pub. L. 100–690, title VI, §6092(a), Nov. 18, 1988, 102 Stat. 4339 ; Pub. L. 103–322, title XXXIII, §330001(h)(2), Sept. 13, 1994, 108 Stat. 2139 ; Pub. L. 109–162, title XI, §1115(a), Jan. 5, 2006, 119 Stat. 3103 ; Pub. L. 111–211, title II, §251(b), July 29, 2010, 124 Stat. 2297 ; Pub. L. 112–166, §2(h)(1), Aug. 10, 2012, 126 Stat. 1285.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (b) and (c)(11), is Pub. L. 90–351, June 19, 1968, 82 Stat. 197 , known as the Omnibus Crime Control and Safe Streets Act of 1968. For complete classification of this Act to the Code, see Short Title of 1968 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 3732 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Attachment 6

Sample Designs

Privately-operated State and Federal Prison Sample Design for the 2016 Survey of Sexual Victimization

530 units on the frame

Date: May 9, 2017

The updated 2012 Prison Census file serves as the frame for this sample. There are 530 privately-operated state and federal prisons on the file.

Some facilities are large compared to the rest, so we used a certainty cutoff to select some of the facilities as certainties due to size. In previous years, the Bureau of Justice Statistics (BJS) specified the certainty size cutoff. This year, we used the largest value possible for the certainty size cutoff. A facility was declared a certainty due to size if it had an average daily population (ADP) of 628 or more. There are 78 size certainties in the 2016 sample. BJS requested a sample size of 155 facilities for the 2016 sample.

The rest of the file was serpentine-sorted by region, state, and ADP. 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 ADP. The estimated national ADP is $\hat{Y}_{HT} = \sum_{i=1}^{155} [(y_i)(weight_i)]$ where y_i is the ADP of the i^{th} sample unit. The national ADP is 173,008.5₁.

Table 2 shows the estimated coefficients of variation (CVs) for this sample design. We note that 52 facilities were missing data for confined males, while 57 facilities were missing data for confined females.

Table 1. Sample design table for privately-operated state and federal prisons

Obs	ID	Measure of size	Weight	Measure of size * weight
1	150000000073700000000	3,168	1.0000	3168.00
2	150000000070700000000	859	1.0000	859.00
3	368000000077500000000	1,059	1.0000	1059.00
4	368000000074200000000	1,756	1.0000	1756.00
5	360000000073400000000	2,627	1.0000	2627.00
6	398035666076500000000	1,785	1.0000	1785.00

₁ One facility was missing data for ADP. We assigned it the value of 1 so that it would have a chance at being selected for the sample.

Obs	ID	Measure of size	Weight	Measure of size * weight
7	31800000007420000000	643	1.0000	643.00
8	108000000079881000000	883	1.0000	883.00
9	108000000079997000000	975	1.0000	975.00
10	108000000079996000000	980	1.0000	980.00
11	108000000079992000000	1,532	1.0000	1532.00
12	108000000079999500000	1,863	1.0000	1863.00
13	108000000079999100000	1,900	1.0000	1900.00
14	108000000079999600000	1,990	1.0000	1990.00
15	118000000075800000000	2,640	1.0000	2640.00
16	118000000075700000000	2,622	1.0000	2622.00
17	118000000076000000000	2,378	1.0000	2378.00
18	118134666079981000000	1,949	1.0000	1949.00
19	118000000077000000000	1,470	1.0000	1470.00
20	118000000078000000000	1,144	1.0000	1144.00
21	198000000072300000000	1,563	1.0000	1563.00
22	198000000071400000000	1,147	1.0000	1146.50
23	198000000070000066661	818	1.0000	818.00
24	258001666071000000000	2,414	1.0000	2414.00
25	258000000073700000000	1,137	1.0000	1137.00
26	258000000073100000000	996	1.0000	996.00
27	258000000074100000000	948	1.0000	948.00
28	258000000073600000000	863	1.0000	863.00
29	348046666079111100000	1,328	1.0000	1328.00
30	378000000076100000000	2,538	1.0000	2538.00
31	378000000074800000000	1,663	1.0000	1663.00
32	378000000074900000000	1,645	1.0000	1645.00
33	378000000070000066661	957	1.0000	957.00

Obs	ID	Measure of size	Weight	Measure of size * weight
34	438000000073700000000	1,507	1.0000	1507.00
35	438000000072300000000	1,649	1.0000	1649.00
36	438000000073500000000	1,976	1.0000	1976.00
37	438000000070000066661	2,552	1.0000	2552.00
38	448000000070000066661	8,473	1.0000	8473.00
39	448114666070200000000	3,438	1.0000	3438.00
40	448195666070100000000	2,297	1.0000	2297.00
41	448000000079800500000	1,961	1.0000	1961.00
42	448085666075110000000	1,812	1.0000	1812.00
43	448000000070000066666	1,540	1.0000	1540.00
44	448048666070100000000	1,375	1.0000	1375.00
45	448000000078020000000	1,242	1.0000	1242.00
46	448000000079999000000	1,069	1.0000	1069.00
47	448000000073900000000	1,034	1.0000	1034.00
48	448000000079997000000	1,027	1.0000	1027.00
49	448000000079200000000	998	1.0000	998.00
50	448000000079996000000	976	1.0000	976.00
51	448000000070000066663	950	1.0000	950.00
52	448000000070000066664	917	1.0000	917.00
53	448000000078041000000	773	1.0000	773.00
54	478000000078500000000	1,561	1.0000	1561.00
55	328000000071300000000	746	1.0000	746.00
56	328000000071600000000	1,238	1.0000	1238.00
57	298000000070000066666	769	1.0000	769.00
58	278000000070991000000	681	1.0000	681.00
59	038000000076100000000	1,353	1.0000	1353.00
60	068000000073100000000	1,443	1.0000	1443.00

Obs	ID	Measure of size	Weight	Measure of size * weight
61	068000000072200000000	1,382	1.0000	1382.00
62	068000000073200000000	836	1.0000	836.00
63	058000000070000066663	628	1.0000	628.00
64	058000000070000066662	629	1.0000	629.00
65	058000000079992300000	670	1.0000	670.00
66	058000000070000066664	706	1.0000	706.00
67	038000000075000000000	1,200	1.0000	1200.00
68	058015666070200000000	1,773	1.0000	1773.00
69	New	2,304	1.0000	2304.00
70	258000000071000000000	2,496	1.0000	2496.00
71	378000000079000000000	2,500	1.0000	2500.00
72	038000000074900000000	2,799	1.0000	2799.00
73	038000000070000066666	3,020	1.0000	3020.00
74	038000000076000000000	2,000	1.0000	2000.00
75	New	1,824	1.0000	1824.00
76	038000000076800001401	1,475	1.0000	1475.00
77	038000000076800000000	1,270	1.0000	1270.00
78	038000000074700000000	677	1.0000	677.00
79	018002666075000000000	76	8.0695	613.29
80	028000000071900000000	179	3.4262	613.29
81	038000000070000066661	377	1.6268	613.29
82	038000000072800000000	479	1.2803	613.29
83	058000000070000066665	321	1.9105	613.29
84	058019666071700000000	61	10.0539	613.29
85	068000000073600000000	46	13.3323	613.29
86	068000000076000000000	79	7.7631	613.29
87	068000000076500000000	211	2.9066	613.29

Obs	ID	Measure of size	Weight	Measure of size * weight
88	07800000007330000000	62	9.8917	613.29
89	07800000007370000000	22	27.8766	613.29
90	09800000007000006666	567	1.0816	613.29
91	10800000007582000000	99	6.1948	613.29
92	10800000007583000000	146	4.2006	613.29
93	10800000007992220000	200	3.0664	613.29
94	11800000007000006666	466	1.3161	613.29
95	12800000007120000000	27	22.7143	613.29
96	14801666607730000000	267	2.2970	613.29
97	15800000007410000000	202	3.0361	613.29
98	17805266607220000000	85	7.2151	613.29
99	18800000007270000000	59	10.3947	613.29
100	18800000007320000000	230	2.6665	613.29
101	19000000007370000000	533	1.1506	613.29
102	19800000007150000000	142	4.3189	613.29
103	19800000007330000000	238	2.5768	613.29
104	19803000206100000000	587	1.0448	613.29
105	23800000007000006666	271	2.2630	613.29
106	26809666607590000000	175	3.5045	613.29
107	27800000007370000000	210	2.9204	613.29
108	27800000007400000000	65	9.4352	613.29
109	31800000007000006661	566	1.0835	613.29
110	31800000007530000000	300	2.0443	613.29
111	31800000007540000000	363	1.6895	613.29
112	31800000007570000000	498	1.2315	613.29
113	31800000007620000000	48	12.7768	613.29
114	32800000007150000000	590	1.0395	613.29

Obs	ID	Measure of size	Weight	Measure of size * weight
115	32800000007170000000	572	1.0722	613.29
116	34803266607098800000	16	38.3304	613.29
117	36800000007541000000	190	3.2278	613.29
118	36800000007610000000	107	5.7316	613.29
119	36800000007700000000	35	17.5224	613.29
120	37800000007550000000	327	1.8755	613.29
121	37800000007570000000	135	4.5429	613.29
122	39800000007610000000	305	2.0108	613.29
123	39800000007810000000	80	7.6661	613.29
124	39802266607750000000	35	17.5224	613.29
125	43804766607420000000	56	10.9515	613.29
126	448000000070000066662	510	1.2025	613.29
127	448000000070000066665	444	1.3813	613.29
128	448000000070000066668	325	1.8870	613.29
129	448000000070000066669	489	1.2542	613.29
130	44800000007370000000	517	1.1862	613.29
131	44800000007803100000	174	3.5246	613.29
132	44800000007804000000	209	2.9344	613.29
133	44800000007804300000	485	1.2645	613.29
134	44800000007805200000	129	4.7542	613.29
135	44800000007808100000	220	2.7877	613.29
136	44800000007809100000	436	1.4066	613.29
137	44800000007809200000	266	2.3056	613.29
138	44800000007993000000	499	1.2290	613.29
139	44800000007994000000	505	1.2144	613.29
140	44800000007999670000	519	1.1817	613.29
141	44822366607150000000	73	8.4012	613.29

Obs	ID	Measure of size	Weight	Measure of size * weight
142	488017666070100000000	48	12.7768	613.29
143	508054666075000000000	100	6.1329	613.29
144	518000000071000000000	270	2.2714	613.29
145	Needs ID if selected	602	1.0187	613.29
146	New	222	2.7625	613.29
147	New	240	2.5554	613.29
148	New	400	1.5332	613.29
149	New	600	1.0221	613.29
150	New	258	2.3771	613.29
151	New	174	3.5246	613.29
152	New	32	19.1652	613.29
153	new	35	17.5224	613.29
154	new	107	5.7316	613.29
155	new	50	12.2657	613.29
				173,008.50

Table 2. Estimated CVs for this sample design

Estimate	Estimated variance	Total	CV
Confined females	1,110,941.13	9,763	10.8%
Confined males	2,266,415.89	149,991	1.0%

Public Jails Sample Design for the 2016 Survey of Sexual Victimization

2,884 public jails on the 2016 Deaths in Custody file

Date: May 5, 2017

The Bureau of Justice Statistics (BJS) requested a sample size of 700, with the largest public jail in each state¹ selected with certainty to meet the requirements of the Prison Rape Elimination Act of 2003. The measure of size is the average daily population (ADP).

We used an extract of the 2016 Deaths in Custody file as the frame.

We chose 108 units as certainties due to size (ADP of 1,000 or more). The remaining 546 units were selected using 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 1 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, 2016. 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 1 shows the weights for this sample design. Table 2 shows the estimated coefficients of variation of this sample design.

Table 1. Public Jails Sample Design

Stratum number	Description	Units in 2016 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)	108	108	1.0000
3	Jails with 0 to 90 ADP	1,496	191	7.4084
4	Jails with 91 to 271 ADP	794	123	6.9512
5	Jails with 272 to 999 ADP	440	232	1.9828
			700	

¹ There are public jails in 45 states and the District of Columbia. There are five states with no public jails: Connecticut, Delaware, Hawaii, Rhode Island, and Vermont.

Table 2. Estimated Coefficients of Variation for the Public Jails Sample Design

Estimate	Coefficient of variation
Confined males	1.0%
Confined females	1.7%
Newly admitted males	5.4%
Newly admitted females	4.1%
New admissions	4.9%
Male ADP	0.8%
Female ADP	1.4%

Private Jails Sample Design for the 2016 Survey of Sexual Victimization

39 private jails on the 2016 Deaths in Custody file

Date: May 4, 2017

There are 39 private jails on the 2016 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 2016 Deaths in Custody file extract.

We selected private jails with certainty if they had 900 or more ADP. There were 7 certainties due to size. We selected the remaining 8 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 39 private jails on the frame have a total ADP of 19,388. We verify the sample weights by using Horvitz-Thompson estimation. We use the sample to estimate the total ADP. The estimated total is $\hat{Y}_{HT} = \sum_{i=1}^{15} [(y_i)(weight_i)]$ 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. 5 of the private jails were missing data for confined females, confined males, female ADP, male ADP, newly admitted females, and newly admitted males.

Table 1. Private Jails sample design table

ID	Region	Measure of size	Sampling Weight	Measure of size * Sampling Weight
368015015061000000000	Midwest	134	10.8554	1,454.63
398002002065000000000	Northeast	565	2.5746	1,454.63
441074074061000000000	South	420	3.4634	1,454.63
448024024061000000000	South	574	2.5342	1,454.63
441126126061000000000	South	722	2.0147	1,454.63
191033032062000000000	South	887	1.6399	1,454.63
191042040061000000000	South	540	2.6938	1,454.63
108009009062000000000	South	593	2.4530	1,454.63
158049008061000000000	Midwest	1,023	1.0000	1,023.00
191025024061000000000	South	900	1.0000	900.00
198037901061000000000	South	930	1.0000	930.00
398023023063000000000	Northeast	1,855	1.0000	1,855.00
438019003068000000000	South	909	1.0000	909.00
438033033060100000000	South	911	1.0000	911.00
448233233061000000000	South	1,223	1.0000	1,223.00
				19,388.00

Table 2. Estimated coefficients of variation for this sample design

Estimate	Estimated variance	2016 total	CV
Confined females	1,301,548.85	21,392	5.3%
Confined males	1,679,652.45	131,728	1.0%
Confined persons	1,591,404.30	153,120	0.8%
Female ADP	1,007,098.75	21,400	4.7%
Male ADP	1,422,788.02	132,448	0.9%
Newly admitted females	535,745,358.68	236,536	9.8%
Newly admitted males	10,758,915,288.02	1,153,040	9.0%
New admissions	15,307,144,662.24	1,389,576	8.9%

Tribal Sample Design for the 2016 Survey of Sexual Victimization

60 units on the extract from the 2016 Jails in Indian Country file

Date: May 9, 2017

The Bureau of Justice Statistics (BJS) requested a sample of 25 units from the 60 units listed on the 2016 Jails in Indian Country extract. To be eligible for this sample, units hold only adults or adults and juveniles. We added the jails that hold only juveniles to the juvenile sample for the 2016 Survey of Sexual Victimization (SSV).

We selected the sample using probability proportional to size, with the adjusted average daily population (ADP) as the measure of size. The adjusted ADP was the maximum of (1, estimated ADP).

Seven 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 certainty units was ADP of 78 or more.

The rest of the file was serpentine-sorted by two-digit state code and ADP.

The 25 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 2,301. We verify the sample weights by using Horvitz-Thompson estimation. We use the sample to estimate the total ADP. The estimated total is $\hat{Y}_{HT} = \sum_{i=1}^{25} [(y_i)(SamplingWeight_i)]$ 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. Tribal Sample for 2016 SSV

ID	Facility	Adjusted measure of size	Sampling Weight	Adjusted measure of size * Sampling Weight
037007001070100000000	Salt River Pima-Maricopa Department of Corrections	68	1.1324	77
037008001070100000000	Fort Mohave Tribal Police Department and Holding Facility	3	25.6667	77
037011002071600000000	Gila River Department of Rehabilitation and Supervision, Adult	62	1.2419	77
037015001070100000000	Colorado River Indian Tribes Adult Detention Center	34	2.2647	77
137003001070100000000	Shoshone Bannock Tribal Corrections	56	1.3750	77
247004001070900000000	Red Lake Tribal Justice Center Adult Detention	41	1.8780	77

ID	Facility	Adjusted measure of size	Sampling Weight	Adjusted measure of size * Sampling Weight
277043001070100000000	Fort Peck Police Department and Adult Detention Center	77	1.0000	77
277044001070100000000	Northern Cheyenne Adult Detention Center	45	1.7111	77
287011001070100000000	Omaha Tribal Police Department and Adult Detention	41	1.8780	77
327017001070100000000	Zuni Adult Detention Center	58	1.3276	77
327021001070600000000	Jicarilla Department of Corrections, Adult and Juvenile	37	2.0811	77
327033001070100000000	Acoma Tribal Police and Holding Facility	16	4.8125	77
357040001070400000000	Turtle Mountain Law Enforcement Adult Detention	46	1.6739	77
357043001070100000000	Standing Rock Law Enforcement and Adult Detention Center	63	1.2222	77
387016001071900000000	Warm Springs Police Department and Adult Detention Center	38	2.0263	77
427043001070100000000	Lower Brule Justice Center, Adult Detention	47	1.6383	77
487014002070100000000	Quinault Nation Police Department and Holding Facility	13	5.9231	77
517007003070100000000	Wind River Adult Detention Center	33	2.3333	77
037001001072000000000	Navajo Department of Corrections, Window Rock	78	1.0000	78
037004001070100000000	San Carlos Department of Corrections and Rehabilitation, Adult	109	1.0000	109
037010001071500000000	Tohono O'odham Adult Detention Center	149	1.0000	149
037009001070100000000	White Mountain Apache Detention Center	106	1.0000	106
427004001070400000000	Oglala Sioux Tribal Offenders Facility	115	1.0000	115
427061001070300000000	Rosebud Sioux Tribal Police Department and Adult Detention	78	1.0000	78
487034001070100000000	Nisqually Adult Corrections	280	1.0000	280
				2,301

Table 2. Estimated coefficients of variation for this sample design

Estimate	Estimated variance	2016 total	CV
Female adults	9,999.20	604	16.6%
Female juveniles	1.84	3	45.2%
Male adults	36,465.02	1,698	11.2%
Male juveniles	8.78	8	37.0%
Total adults	77,066.27	2,302	12.1%
Total juveniles	15.48	11	35.8%

We note that the coefficients of variation for the female juveniles and male juveniles are volatile over time. The higher CVs in some years are driven by facilities that have only one juvenile and a very small estimated ADP.

We use the Rao-Hartley formula to estimate the variance for this sample design. The variance is given by

$$V(\hat{Y}) \approx \sum_{i=1}^N \pi_i \left[1 - \frac{(n-1)}{n} \pi_i \right] \left(\frac{y_i}{\pi_i} - \frac{Y}{n} \right)^2.$$

The third term in the formula gets large quickly when the y for the unit is small (say one female juvenile or one male juvenile) and the probability of selection π is also small (which happens when the facility has ADP of 1).

Juvenile Facility Sample Design for the 2016 Survey of Sexual Victimization

2,181 open non-tribal facilities on the 2015 Census of Juveniles in Residential Placement file

Date: April 10, 2017

For the 2016 Survey of Sexual Victimization (SSV) juvenile facility sample, the Bureau of Justice Statistics (BJS) requested a sample design similar to that used for the 2015 juvenile facility sample. Note that we select tribal juvenile facilities from the Jails in Indian Country file, not the 2015 Census of Juveniles in Residential Placement (CJRP) file. Facilities that hold zero juvenile offenders on reference day are not eligible for the 2016 SSV sample.

To understand this year’s design, we need to look at how we categorize the facilities. The 2015 CJRP serves as the frame for the 2016 SSV.

Table 1. 2016 SSV juvenile facility sampling frame

2,181	open non-tribal facilities in the 50 states and DC in the 2015 CJRP file
342	non-tribal facilities in the 50 states and DC that held zero juvenile offenders on reference day
11	facilities in sample for the 2015 SSV that were determined to be closed or out-of-scope ¹
1,828	non-tribal facilities in the 50 states and DC in the 2015 CJRP file that held at least one juvenile offender on reference day

The initial certainty requirements asked that all 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-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, 36 units are in sample with certainty as the largest locally-operated facility in the state, and 48 are in with certainty as the largest privately-operated facility in the state. We select 446 noncertainty units to fill out the sample.

¹ There were 19 juvenile facilities listed in the 2015 closeout documentation. 10 of those facilities matched to open facilities in the 2016 CJRP file and were excluded from the frame for 2016. One facility listed in the closeout document was in the 2015 CJRP file as open under a different id and was also excluded from the frame for 2016. The 2015 SSV had a record for the Arkansas Division of Youth Services, but there is no such record in the 2015 CJRP file. Two facilities listed in the closeout document were reported on state forms in the 2015 closeout document, and listed in the 2015 CJRP file as state-operated facilities. The remaining five facilities listed in the 2015 closeout document were marked as closed or out-of-scope in the 2015 CJRP file.

Table 2. Certainty and noncertainty counts on the 2016 frame

369	state central reporters and facilities that report separately
36	local facility certainties (largest in the state)
555	local noncertainty facilities
48	private facility certainties (largest in the state)
820	private noncertainty facilities
1,828	Non-tribal facilities in the 50 states and DC in the 2015 CJRP file 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 noncertainty strata

Stratum	Facility count	Persons assigned to beds
Midwest detention facilities	151	3,524
Northeast detention facilities	54	852
South detention facilities	142	3,558
West detention facilities	117	4,445
Local non-commitment facilities	24	253
Local commitment facilities	137	3,864
Private facilities	750	15,617
		32,113

Table 4. Proportionally allocating the sample across noncertainty strata

Stratum	Proposed sample size
Midwest detention facilities	49
Northeast detention facilities	12
South detention facilities	49
West detention facilities	62
Local non-commitment facilities	4
Local commitment facilities	54
Private facilities	216
	446

Forty-nine 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 eighteen 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-seven 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.

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 the sample selection. The remaining 1,261 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	369	369
15	Tribal juvenile facilities from the Jails in Indian Country file	19	19
20	Largest locally-operated facility in each state	36	36
30	Largest privately-operated facility in each state	48	48
40A	Midwest detention centers	144	42
40B	Northeast detention centers	53	11
40C	South detention centers	133	40
40D	West detention centers	85	30
40E	Detention facility certainties due to size	49	49
51	Local non-commitment	24	4
52	Local commitment	119	36
53	Local facility certainties due to size	18	18
60	Private facilities	703	169
63	Private facility certainties due to size	47	47

Calculating the coefficients of variation for this sample²

We use the Rao-Hartley 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 XX 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.

Table 6. Estimated coefficients of variation for this sample design

Level of estimate	Estimate	Estimated variance	2015 total	CV
National	Juvenile offenders	58,639.32	47,884	0.5%
National	Juvenile non-offenders	55,718.53	6,805	3.5%
Non-state detention facilities	Juvenile offenders	5,363.72	14,854	0.5%
Non-state detention facilities	Juvenile non-offenders	1,925.85	277	15.8%

Verification of the sample produced by the Public Sector Statistical Methods Branch

The Public Sector Statistical Methods Branch of the Economic Statistical Methods Division selected the locally-operated and privately-operated facility records for this sample. The Criminal Justice Branch of the Economic Reimbursable Surveys Division prepared the mailout records for the state-operated units in stratum 10, and the 19 tribal juvenile facilities from the Jails in Indian Country file in stratum 15.

The file produced by the Public Sector Statistical Methods Branch has 530 records. We can verify the sample selection by estimating the total number of persons assigned to beds for locally-operated and privately-operated facilities. There are 39,382 persons assigned to beds in locally-operated and privately-operated facilities in the 2015 CJRP that are in-scope for the 2016 SSV.

We use the Horvitz-Thompson estimator to estimate the total number of persons assigned to beds.

$$\hat{Y}_{HT} = \sum_{i=1}^{530} y_i (weight_i)$$

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 Public Sector Statistical Methods Branch.

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	36	2,998.00
30	48	4,271.00
40A	42	2,963.00
40B	11	757.00
40C	40	2,675.00
40D	30	1,360.00
40E	49	4,624.00
51	4	253.00
52	36	2,421.00
53	18	1,443.00
60	169	11,193.00
63	47	4,424.00
	530	39,382.00

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 7

Cover Letters

[full packet cover letter, see paragraph 3]

August 27, 2018

«CONTACT», «TITLE»
«AGENCYNAME»
«ADDRESS1»
«CITY», «STATE_ABBR» «ZIP»

Dear «SALUTATION»:

I am writing to request your assistance in completing the *Survey of Sexual Victimization*, which was developed in response to the Prison Rape Elimination Act of 2003 (PREA; P.L. 108-79). 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.” To do this, BJS collects information on the characteristics of these incidents to aid correctional administrators in addressing the prevention, reporting, investigation, and prosecution of such incidents.

In 2004, BJS launched the *Survey of Sexual Violence (SSV)*, collecting administrative data from correctional authorities. In 2013, BJS renamed the survey to the *Survey of Sexual Victimization* to better reflect the array of incidents covered under PREA. In July 2018, BJS released *Sexual Victimization Reported by Adult Correctional Authorities, 2012-15*.

We are now conducting the 2017 SSV, as mandated by PREA. Please take the time to complete the survey. You may complete it electronically (via the Web or fillable PDF) or by paper (see the enclosed forms).

To complete the survey online, go to <http://harvester.census.gov/ssv>. Your UserID is «USERID» and «PASSWORD» is your password. Your UserID and password also appear on the enclosed summary form, to the left of the address label.

To download blank forms in fillable portable document format from the BJS website, go to www.bjs.gov/content/pub/pdf/ssv3_2017.pdf for the summary form and www.bjs.gov/content/pub/pdf/ssvia_2017.pdf for the substantiated incident form.

The U.S. Census Bureau is the data collection agent for the 2017 SSV. Please submit your completed forms online or to the Census Bureau by **October 15, 2018**.

BJS is authorized to conduct this data collection under 34 U.S.C. § 10132(c) and P.L. 108-79. BJS, its employees, and its data collection agents will use the information you provide for statistical or research purposes only, and will not disclose your information in identifiable form without your consent to anyone outside of the BJS project team. All personally identifiable data collected under BJS's authority are protected under the confidentiality provisions of 34 U.S.C. § 10231, and any person who violates these provisions may be punished by a fine up to \$10,000, in addition to any other penalties imposed by law. Further, per the Cybersecurity Enhancement Act of 2015 (6 U.S.C. § 151), federal information systems are protected from malicious activities through cybersecurity screening of transmitted data. For more information, go to www.bjs.gov/content/pub/pdf/BJS_Data_Protection_Guidelines.pdf.

If you need 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,

Jeri M. Mulrow
Principal Deputy Director

Enclosures.

[web cover letter, see paragraph 3]

August 27, 2018

«CONTACT», «TITLE»
«AGENCYNAME»
«ADDRESS1»
«CITY», «STATE_ABBR» «ZIP»

Dear «SALUTATION»:

I am writing to request your assistance in completing the *Survey of Sexual Victimization*, which was developed in response to the Prison Rape Elimination Act of 2003 (PREA; P.L. 108-79). 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.” To do this, BJS collects information on the characteristics of these incidents to aid correctional administrators in addressing the prevention, reporting, investigation, and prosecution of such incidents.

In 2004, BJS launched the *Survey of Sexual Violence (SSV)*, collecting administrative data from correctional authorities. In 2013, BJS renamed the survey to the *Survey of Sexual Victimization* to better reflect the array of incidents covered under PREA. In July 2018, BJS released *Sexual Victimization Reported by Adult Correctional Authorities, 2012-15*.

We are now conducting the 2017 SSV, as mandated by PREA. Please take the time to complete the survey. In the past you have completed the survey electronically, so we are sending you information on how to access the survey online rather than paper forms.

To complete the survey online, go to <http://harvester.census.gov/ssv>. Your UserID is «USERID» and «PASSWORD» is your password.

To download blank forms in fillable portable document format from the BJS website, go to www.bjs.gov/content/pub/pdf/ssv3_2017.pdf for the summary form and www.bjs.gov/content/pub/pdf/ssvia_2017.pdf for the substantiated incident form.

The U.S. Census Bureau is the data collection agent for the 2017 SSV. Please submit your completed forms online or to the Census Bureau by **October 15, 2018**.

BJS is authorized to conduct this data collection under 34 U.S.C. § 10132(c) and P.L. 108-79. BJS, its employees, and its data collection agents will use the information you provide for statistical or research purposes only, and will not disclose your information in identifiable form without your consent to anyone outside of the BJS project team. All personally identifiable data collected under BJS's authority are protected under the confidentiality provisions of 34 U.S.C. § 10231, and any person who violates these provisions may be punished by a fine up to \$10,000, in addition to any other penalties imposed by law. Further, per the Cybersecurity Enhancement Act of 2015 (6 U.S.C. § 151), federal information systems are protected from malicious activities through cybersecurity screening of transmitted data. For more information, go to www.bjs.gov/content/pub/pdf/BJS_Data_Protection_Guidelines.pdf.

If you need 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,

Jeri M. Mulrow
Principal Deputy Director

Enclosures.

Attachment 8

Nonresponse Follow-up

Phone Scripts

If the call goes to voicemail:

Hello my name is ... [your name]. I'm calling from the U.S. Census Bureau on behalf of the U.S. Department of Justice, Bureau of Justice Statistics. I'm contacting you about the 2016 Survey of Sexual Victimization. This survey was mailed to you in July. Our records show that we have not yet received a response from your facility.

If you need a time extension or another copy of the forms, please call me at ... [your number]. Again, that's ... [number] and my name is ... [first name]. If you have questions about completing the forms, you may call Greta Clark at 1-800-253-2078.

Thank you for your attention to this important survey.

If someone (*not the listed respondent*) answers the phone:

Hello my name is ... [your name]. I'm calling from the U.S. Census Bureau on behalf of the U.S. Department of Justice, Bureau of Justice Statistics. I'm trying to reach [*state the respondent's name*] about the 2016 Survey of Sexual Victimization. Can you put me through?

If they forward your call to the *respondent*:

See below pages for phone scripts.

If they cannot forward your call but do not say [*the respondent*] is no longer there:

When is a good time for me to reach [*state the respondent's name*]? (*Note the day/time.*)

Thank you.

If the respondent is no longer there:

Can you direct me to someone who handles PREA matters, such as the PREA Coordinator?
(*Note the new name and phone number, if possible.*)

(*If no*)

Thank you for your time. (*Refer to Analyst.*)

If the *respondent* answers the phone:

Hello my name is ... [your name]. I'm calling from the U.S. Census Bureau on behalf of the U.S. Department of Justice, Bureau of Justice Statistics. I'm contacting you about the 2016 Survey of Sexual Victimization. This survey was mailed to you in May. Our records show that we have not yet received a response from your facility. Do you need more time?

(*If they ask, tell them their due date*) SSV-3 [*The due date was October 15, 2018.*]

SSV-4 [*The due date was October 15, 2018.*]

SSV-6 [*The due date was October 15, 2018.*]

If they say they're not going to respond:

Thank you for your time. (*Refer to an analyst.*)

If they need a time extension:

Will 2 weeks be enough?

(If *yes*) Thank you. I have entered a 2 week extension for you. Your due date is [*new due date*]. In the meantime, if you have questions about the survey, please call Greta Clark at 1-800-253-2078. Thank you.

(If *they need more than 3 weeks*) The maximum amount of time I can give you is X weeks. Your new due date is [*new due date*]. Please do what you can in that time. If you find you need additional time or have questions about the survey, please call Greta Clark at 1-800-253-2078. Thank you.

If they say they've already submitted their forms:

Thank you. Can you tell me when you submitted your forms? (*Note the date, then ask*)

Did you submit them by *fax, web, or mail*? (*Note the method, then ask*)

Did you keep a copy for your records?

(*If they have a copy, ask*) Can you fax a copy to me today? Fax number is **1-888-262-3974**.

(*If they do not have a copy, say*)

I will double-check to see if we have your forms, and get back with you if there are follow-up questions. Thank you.

If they want to submit data by phone:

Yes, I can collect the data now. (*Enter their answers in the appropriate fillable PDF.*)

If they need another questionnaire:

Sure, I can send one right away. If you would like to use the fillable PDF, you can download it from the Internet.

If they want fillable PDFs:

Do you have web access right now?

(If *yes* and Harvester is *running*)

I can direct you to the fillable PDF's on **Harvester**. Go to <http://harvester.census.gov/ssv/>. Scroll down to the bottom of the page. You will need the SSV-[3, 4, or 6]. And, you will need to complete the SSV-[IA, IJ], one for *each* substantiated incident that occurred in 2016. Also complete one Substantiated Incident form for each incident that occurred prior to 2016 but was first reported or substantiated in 2016.

(If *yes* and Harvester is *down*)

I can direct you to the fillable PDF's on the BJS website.

If they do not want fillable PDFs or cannot download the PDFs, ask:

Do you prefer fax or email? (*Verify the fax number or email address.*)

Thank you, I will send the forms in a few minutes. Do you need a time extension?

For **Fax**, print the Summary and Incident forms, fill out a Fax Cover Sheet, then Fax.

For **email**, see pages x and y for directions.

If they need their UserID and Password:

(Look up their UserID and temporary Password on the spreadsheet your supervisor provided.)

Your user ID is [*UserID*] and your temporary password is [*password*]. After you log in the first time, you will need to enter your email address and change the password right away. Do you need the URL? (If *yes*), the URL is <http://harvester.census.gov/ssv>.

Would you like me to stay on the line while you log on?

(If *yes*, stay on the line and assist.)

(If *no* or after they changed their password, *say*)

If you have more questions later, please call Greta Clark at 1-800-253-2078. Thank you.

If they ask about the purpose of SSV or other substantive questions:

The 2016 Survey of Sexual Victimization is being collected for the U.S. Department of Justice, Bureau of Justice Statistics. It asks about allegations of sexual victimization of [*inmates* (SSV-3 and 4), *youth* (SSV-6)] that occurred or were first reported in your facility in calendar year 2016.

If they have more questions: Let me refer you to the Census Bureau Project Manager, Greta Clark. Would you like to call her, or shall I ask her to call you?

If they want to make the call:

You can reach her at 1-800-253-2078. Thank you.

If they want Greta to call them:

(Verify their name and number, and ask) When would be a good time for her to reach you?

E-Mail

E-mail in place of phone contact

- If you are sending an e-mail rather than calling:

Hello! I am emailing you on behalf of the U.S. Department of Justice, Bureau of Justice Statistics, about the 2016 Survey of Sexual Victimization (SSV). This survey was mailed to your facility in May and was recently due back to us. Our records show that we have not yet received the questionnaire from your facility.

If you could, please complete the attached forms or forward them to whomever can best complete them for your facility. We need you to complete the forms even if your facility had no allegations of sexual victimization in calendar year 2016. If that is the case, on the **Summary** form please enter zero (0) for the number of allegations, and answer the other questions.

The **Substantiated Incident** form is for allegations that were *determined to have occurred*. Please complete one Substantiated Incident form for *each* incident that occurred in 2016. Also complete one Substantiated Incident form for each incident that occurred prior to 2016 but was first reported or substantiated in 2016.

If you have any questions or need assistance filling the forms out, please contact me.

Thank you for your time,

[Your Name]

[Your Title]

U.S. Census Bureau

Toll-free: 1-800-253-2078

Email: govs.ssv@census.gov

Fax: 1-888-262-3974

Website: <http://harvester.census.gov/ssv>

Email follow-up to a request for forms

- If a respondent would like a fillable form emailed to them, use this wording:

Hello! It was a pleasure speaking with you.

Here are the forms you requested. Please complete them as soon as possible.

As I may have mentioned on the phone, we need you to complete the forms even if your facility had no allegations of sexual victimization for calendar year 2016. If that is the case, on the **Summary** form please enter zero (0) for the number of allegations, and answer the other questions.

The **Substantiated Incident** form is for allegations that were *determined to have occurred*. Please complete one Substantiated Incident form for *each* incident that occurred in 2016. Also complete one Substantiated Incident form for each incident that occurred prior to 2016 but was first reported or substantiated in 2016.

If you have any questions or need assistance filling the forms out, please contact me.

Thank you for your time,

[Your Name]

[Your Title]

U.S. Census Bureau

Toll-free: 1-800-253-2078

Email: govs.ssv@census.gov

Fax: 1-888-262-3974

Website: <http://harvester.census.gov/ssv>

Attachment 9

Record-Keeping Interview Protocol

Facility/ST: N /
Type: A J S L P
Isextrans: T I N

Date/Time: Apr xx : _____ : _____
Contact: N alt
Phone/email: #. _____ . @.

Record keeping interview protocol for data elements related to sex and gender identity on the Survey of Sexual Victimization

This interview is being conducted to better understand the completeness and availability of data provided by correctional facilities to the Survey of Sexual Victimization (SSV) regarding the *sex* and *gender identity* of {inmate, youth} victims and perpetrators of sexual abuse or harassment.

In 2012, national standards to prevent, detect, and respond to prison rape were issued, including requirements related to housing *intersex* and *transgender* {inmates, youth} and determining whether bias against them was a factor in incidents of sexual abuse. To better reflect these standards, for SSV 2013 the Bureau of Justice Statistics modified the Substantiated Incident forms {SSV-IA, SSV-IJ} by expanding the answer categories for the demographic characteristic of *sex* to include *intersex* and *transgender*. This modification affected four items (7, 10, 19, and 22). Definitions of *intersex* and *transgender* were provided on the forms.

For SSV 2016, the question for these four items was reworded to include *gender identity* (i.e., from “*sex*” to “*sex* or *gender identity*”). The answer categories and definitions remained the same as those used for SSV 2013 to 2015.

This interview will be conducted using five sets of questions. The first set of questions is about the respondent’s general experience in completing the survey, the types of records systems they have, and the type of information their records contain. The second set is about the items of interest and the definitions used by the respondent’s {facility, jurisdiction, system}.¹ The third set is about the information gathering practices of the respondent’s {facility, jurisdiction, system}. The fourth set covers the record keeping and retrieval practices of the respondent’s {facility, jurisdiction, system}. The last set concludes the interview and provides the respondent an opportunity to discuss other issues they may have related to SSV.

I. Overview

Tell me about your experience in completing the Survey of Sexual Victimization (SSV).

What type of records systems are used to keep the information needed to respond to the SSV?

[Probe] Is the information kept in—
a Records Management System (RMS)? spreadsheets?
electronic copies of individual reports? other?
hard copies of reports?

What types of information do your records contain?

How easy or difficult is it to access this information?

Do you need to go to multiple sources for information to complete the SSV?

[Probe] For example, do you need to refer to your RMS, other systems, reports, and/or other staff?

Please describe the steps you go through to retrieve the information needed to complete a Substantiated Incident form {SSV-IA, SSV-IJ}.

[Probe] What level of effort is needed to retrieve the necessary information?

[Probe] For example, can it be automatically extracted or compiled, or does it require manual review of each incident report?

¹ Curly brackets { } indicate a set of answers, one of which is to be selected by the interviewer based on type of facility or the respondent’s answer to a previous question. Square brackets [] indicate probes, other directions, and notes for the interviewer and are not read aloud. Probes are to be used only if needed.

II. Items and definitions related to **sex** and **gender identity**

Please look at the Substantiated Incident form {SSV-IA, SSV-IJ} I sent you, and read item 7.

Is this item easy or difficult to answer?

[If difficult] Tell me what you found difficult.

[Probe] Was understanding the question difficult, or was gathering the information difficult?

Now turn to page 3 and read item 19.

Is this item easier to answer than item 7, more difficult, or about the same?

[If not the same] Tell me what you found {more difficult, easier}.

[If more difficult] Was understanding the question more difficult, or was gathering the information more difficult?

What definition does your {facility, jurisdiction, system} use for the term **intersex**?

Are other terms used in your {facility, jurisdiction, system} for the concept of **intersex**?

[If yes] What terms are commonly used in your {facility, jurisdiction, system} instead of **intersex**?

What definition does your {facility, jurisdiction, system} use for the term **transgender**?

Are other terms used in your {facility, jurisdiction, system} for the concept of **transgender**?

[If yes] What terms are commonly used in your {facility, jurisdiction, system} instead of **transgender**?

III. Completeness of data

Now I'm going to ask about your {facility's, jurisdiction's, system's} information gathering practices.

When is information on **sex** and **gender identity** of {inmates, youth} collected?

[Probe as needed] For example, is this information collected upon intake?

[If upon intake] How is this information collected for {inmates, youth} who were admitted prior to 2012?

[If not upon intake] When is this information collected? Is this the same for all {inmates, youth}?

[If not the same for all] What are the deciding factors?

[Probe] Is collection of this information limited to the investigation of an incident?

What information is collected on **sex** and **gender identity**?

[Probe] Does your {facility, jurisdiction, system} ascertain—

- the {inmate's, youth's} **sex**?
- whether an {inmate, youth} is **intersex**?
- whether an {inmate, youth} is **transgender**?

How is an {inmate's, youth's} **sex** and **gender identity** determined? For example, is it reported by the {inmate, youth} or are other sources used, such as arrest records, other administrative data, or medical exams?

[If other sources] What are the sources?

What steps are taken to verify this information, if any?

Is this information sometimes uncovered, refined, or corrected during the investigation of an incident?

Is information on **sex**, including **intersex**, collected from all {inmates, youth}?

[If not all] From which {inmates, youth} is it collected? What are the deciding factors?

[Probe] Is collection of information on **sex**, including **intersex**, limited to {inmates, youth} involved in allegations of sexual victimization?

[If limited to investigations of allegations] Is collection of this information limited to {inmate, youth} victims, or is it also collected for {inmate, youth} perpetrators?

[If not both victims and perpetrators] What factors are used to decide from whom to collect it?

Is information on **gender identity** collected from all {inmates, youth}?

[If not all] From which {inmates, youth} is it collected? What are the deciding factors?

[Probe] Is collection of information on **gender identity** limited to {inmates, youth} involved in allegations of sexual victimization?

[If limited to investigations of allegations] Is collection of this information limited to {inmate, youth} victims, or is it also collected for {inmate, youth} perpetrators?

[If not both victims and perpetrators] What factors are used to decide from whom to collect it?

IV. Availability of data

You already told me about your {facility's, jurisdiction's, system's} record keeping and retrieval practices. Now I'm going to ask some questions about record keeping and retrieval of information pertaining specifically to **sex** and **gender identity**.

[If already answered in section I, verify it here] Is information on **sex** and **gender identity** stored and retrieved with the other data needed to complete the SSV Substantiated Incident forms?

[Probe] For example, is it stored and retrieved with other demographic information such as age or race, or with other incident data such as location or injury, or is it separate?

[If separate] How is the storage or retrieval information on **sex** or **gender identity** different from the other demographic or incident information?

[If not already answered in section I] Is information on **sex** and **gender identity** kept in a centralized RMS, or do you need to refer to individual incident reports?

[Probe] Is information on **sex** or **gender identity** easier or harder to access and retrieve than the other demographic or incident information, or is it about the same?

[Probe] For example, can it be automatically extracted or compiled, or does it require manual review of each incident report?

[Probe] Is information on *intersex* stored together with or separate from information on *sex*?
[If together and not already answered] Where is information on *sex* and *intersex* stored?
[If separate] Where is information on *intersex* stored?

[Probe] Is information on *gender identity* stored together with or separate from information on *sex*?
[If together and not already answered] Where is information on *sex* and *gender identity* stored?
[If separate] Where is information on *gender identity* stored?

V. Conclusion

Is there anything else on this topic you can think of that we didn't cover?

Are there other items on the incident form that you would like to discuss?

[Probe] For example, are there items that are difficult to answer or items for which you do not have complete data?

This concludes the interview. Thank you so much for your time. If you would like to contact me in the future, you can reach me at 202.307.6170 or Ramona.Rantala@usdoj.gov.

Questions on sex and gender identity (SSV-IA)

Victim 1 and 2—

Items 7 & 10. What was the victim's sex or gender identity? (See definitions below.)

01 Male 03 Transgender
02 Female 04 Intersex

Perpetrator 1 and 2—

Items 19 & 22. What was the inmate perpetrator's sex or gender identity? (See definitions below.)

01 Male 03 Transgender
02 Female 04 Intersex

Questions on sex and gender identity (SSV-IJ)

Victim 1 and 2—

Items 7 & 10. What was the victim's sex or gender identity? (See definitions below.)

01 Male 03 Transgender
02 Female 04 Intersex

Perpetrator 1 and 2—

Items 19 & 22. What was the youth perpetrator's sex or gender identity? (See definitions below.)

01 Male 03 Transgender
02 Female 04 Intersex

Definitions of transgender and intersex (SSV-IA and SSV-IJ)

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.