

Implementing the Prison Rape Elimination Act of 2003 at BJS:

- *An update on PREA data collections*
- *Consideration of 4 related questions*

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Overview

- Collection and reporting updates
- BJA/BJS study of the costs of implementing the PREA standards
- Questions to consider:
 - How prevalent is prison rape?
 - Which facilities have the highest rates?
 - What are the unique challenges for BJS in meeting the requirement to rank facilities?
 - What do we know about sexual victimization in prison and jails?



BJS data collections – ACASI

- Round 2 of the National Inmate Survey, 2008-09 (RTI)
 - 167 State and Federal prisons; 29,900 completed interviews; 71% response rate
 - 286 local jails; 48,000 completed interviews; 68% response
 - Rankings to Congress – Early 2010
 - Round 3 in late 2010 (*inclusion of juveniles; serious mental illness*)
- Former Prisoner Survey, 2008 (NORC)
 - 317 parole/post-custody supervision field offices in 40 states
 - 17,738 former inmate interviews; 61% response rate
 - Experience from time of arrest to prison release (police lockups, jails, reception diagnostic center, multiple prisons, community correctional facilities (LOS at least 30 months)
 - National report – Early 2010



BJS data collections - administrative records

■ Clinical Indicators of Sexual Violence in Custody, 2010

- In collaboration with NIJ and CDC
- 12-month feasibility study in 25 prison and 10 jails
- Designed to be conducted in the health care section of each participating facility
- Medical staff complete a one-page surveillance form for adult males who either make an allegation of sexual violence or display any of 5 clinical conditions (rectal bleeding, rectal or anal tears/fissures; bruises, scratches or abrasions on buttocks; genital bruising or nipple injuries)
- Past BJS studies indicate 20% of victims injured; Among victims, 6% anal/rectal tearing, 8% knocked unconscious, 6% internal injuries, 3% broken bones, 16% bruises/cuts



BJS data collections - administrative records

- Survey of Sexual Violence, 2007 and 2008
 - Conducted annually since 2004
 - Covers all state and federal prison systems, all military facilities, all adult facilities in Indian country, all ICE facilities and a 10% sample of local jail jurisdictions and private jails and prisons. (More than 80% of all inmates, representative of nation.)
 - Utilizes uniform definitions of sexual violence – records allegations, outcomes of investigations, detailed data on substantiated incidents
 - Provides basis for examining trends; detailed information on substantiated incidents (not allegations)
 - Surveys will be conducted through 2010.



BJA/BJJS study of the costs of implementing the PREA standards

- Utilizes major public accounting firm to provide budgetary cost projections for implementation of national standards under the Prison Rape Elimination Act (PREA).
- On June 23, 2009, the National Prison Rape Elimination Commission presented its final Report and proposed Standards
- Within one year of receiving the report and proposed standards from the Commission, the Attorney General is required by PREA to publish national standards for the detection, prevention, reduction, and punishment of prison rape.
- The standards issued by the Attorney General will apply to the federal Bureau of Prisons immediately upon issuance. States will receive notification of the new standards from the Attorney General and will then have one year to adopt and comply with them or risk losing five percent of any federal grants provided for prison purposes.



Under Section 8 (a), PREA also established a process for release of the national standards –

- (3) LIMITATION. - The Attorney General shall not establish a national standard under this section that would impose substantial additional costs compared to costs presently expended by Federal, State, and local prison authorities.
- Provides cost projections for the implementation of each standard as formulated by the PREA Commission.
- The standard-specific cost projections shall take into account the assessed difficult of implementation and the extent to which the existing facility or jurisdiction does, or does not, have policies and procedures already in place related to the standard. Costs will include startup as well as ongoing operational costs on an annualized basis.



Information will inform deliberations of DOJ working group

- Development of initial cost projections for specific standards in 9 jurisdictions or facilities (within 3 months)
- Development of final cost projections for specific standards in up to 50 additional jurisdictions/facilities
 - drawn from five sectors, including federal and state prison systems, local jail jurisdictions, police lockups, state and local juvenile facilities, and community corrections facilities
 - must be completed within 6 months
- Establishment of a cost model methodology for each sector (within 9 months)
 - to be used to set financial and schedule guidelines for full implementation of the standards, monitor the ongoing financial viability of the PREA standards, and support ongoing funding justification at Federal, State, and local levels.



So, how prevalent is prison rape?

Need to keep in mind what was measured:

- **Sexual victimization** – rape (*nonconsensual sexual acts*), statutory (*“willing/romantic” involvement with staff*), other sexual assault (*abusive sexual contacts and unwanted touching only*)
- **Cross-sectional measure** - measuring persons in prison/jail vs. all persons in prisons/jails during year. (*Year 1 data limited in providing estimates for persons at risk.*)
- **Facility-specific, annual rate** – in last 12 months in prison (or since admission to prison facility if less); last 6 months in jail (or since admission). (*Bounded estimates needed to provide facility level comparisons.*)



National prevalence estimates for prisons – based on 23,400 interviews in 148 prisons

State and Federal prisoners reporting sexual victimization, 2007

Type*	National estimate	
	Number	Percent
Total	60,500	4.5 %
Inmate-on-inmate	27,500	2.1 %
Nonconsensual sexual acts	16,800	1.3
Abusive sexual contacts only	10,600	0.8
Staff sexual misconduct	38,600	2.9 %
Unwilling activity	22,600	1.7 %
Excluding touching	16,900	1.3
Touching only	5,700	0.4
Willing activity	22,700	1.7 %
Excluding touching	20,600	1.5
Touching only	2,100	0.2



National prevalence estimates for jails – based on 40,400 interviews in 282 jails

Local jail inmates reporting sexual victimization, 2007

Type*	National estimate	
	Number	Percent
Total	24,700	3.2 %
Inmate-on-inmate	12,100	1.6 %
Nonconsensual sexual acts	5,200	0.7
Abusive sexual contacts only	6,900	0.9
Staff sexual misconduct	15,200	2.0 %
Unwilling activity	10,400	1.3 %
Excluding touching	8,300	1.1
Touching only	2,100	0.3
Willing activity	8,400	1.1 %
Excluding touching	7,100	0.9
Touching only	1,200	0.2



Which facilities have the highest rates?

- Sec. 4 (c)(2)(B)(ii) of the Act requires BJS to list prisons and local jails according to the prevalence of sexual victimization
- Measurement and logistical challenges formidable:
 - Reliable facility-level estimates are difficult to obtain, expensive, and subject to measurement error
 - False negatives and false positives – no single mode or measurement strategy provides a definitive measure of prevalence
 - Administrative data limited to what gets reported to corrections officials; what gets investigated; what gets reported to BJS
 - Self-report data limited – false reporting, non-response, sampling error (limited to comparing facilities based on allegations); nevertheless, allows for comparisons without confounding effects of differing facility reporting policies and record keeping systems



10 facilities had prevalence rates of 9.3% or greater

Prison facilities with highest prevalence of sexual victimization

	Number of respondents	Response rate	Percent of inmates reporting sexual victimization	
			Weighted	Standard error
U.S. total	23,398	72 %	4.5 %	0.3 %
Estelle Unit, TX	197	84	15.7	2.6
Clements Unit, TX	142	59	13.9	2.9
Tecumseh State Corr. Inst., NE	85	39	13.4	4.0
Charlotte Corr. Inst., FL	163	73	12.1	2.7
Great Meadow Corr. Fac., NY	144	62	11.3	2.7
Rockville Corr. Fac., IN*	169	79	10.8	2.4
Valley State Prison for Women, CA*	181	78	10.3	2.3
Allred Unit, TX	186	71	9.9	2.2
Mountain View Unit, TX*	154	80	9.5	1.9
Coffield Unit, TX	194	76	9.3	2.1

*Female facility



18 jails had prevalence rates of at least twice the national average of 3.2%

Jails with highest prevalence of sexual victimization

	Number interviewed	Resp. rate	Percent of inmates sexually victimized		Number of similar jails
			Weighted	S.E.	
U.S. total	40,419	67 %	3.2 %	0.1 %	
Torrance Co. Det. Fac. (NM)	67	40	13.4	4.1	53
Clark Co. Jail (WA)	163	71	9.1	2.2	80
Bernalillo Co. Metro. Det. Ctr. (NM)	117	42	8.9	2.9	151
Brevard Co. Det. Ctr. (FL)	228	83	8.5	1.9	86
Southeastern Ohio Reg. Jail (OH)	85	57	8.1	2.1	116
Wayne Co. Jail (IN)	131	75	7.5	1.9	133
Franklin Co. Jail (NY)	81	86	7.3	1.4	110
NYC Rose M. Singer Ctr. (NY)*	178	68	7.2	1.7	129
Atlanta City Jail (GA)	145	41	7.1	3.0	239
Fulton Co. Jail (GA)	187	67	7.1	1.8	137

*Female facility



Facility ranking poses unique challenges for BJS as a statistical agency

- Data collection for statistical purposes vs. oversight, monitoring, and policy change
- Mandatory/coerced data collection vs. voluntary statistical system
 - Dampening effect on response rates and lost trust
 - Data providers (may) no longer believe that other data requested will not be used in a (similar) manner
- Opportunity costs – deferred collection activities
- Limitations of survey tools vs. auditing function (substantiated incidents, allegations, false positives, and false negatives)
- Data dissemination at facility level under conditions of low prevalence



What do we know about sexual victimization in prison and jails?

- Rates of sexual victimization more strongly related to inmates characteristics than facility characteristics (jails)
 - Females (5.1%) more likely than males (2.9%); 2 or more races (4.2%) to report sexual victimization
 - Young inmates, 18-24 (4.6%) vs. older, 25 + (2.4%)
 - Largest differences linked to sexual preference (18.5% homosexual; 9.8% bisexual); prior sexual assault (11.8%); assaulted in corrections facility in past (33%)
 - Unrelated to size of facility; crowding or age of facility
- Circumstances surrounding incidents varied
 - Inmate-on-inmate: in victim's cell; 6 pm to midnight; force/threat; a third multiple perpetrators
 - Staff sexual misconduct: closet/office; midnight to 6 pm; bribe/black mailed; a quarter, multiple perpetrators



Characteristics of self-report allegations and substantiated incidents similar

- Selected findings (from *Survey of Sexual Violence, 2005 and 2006*)
 - 6,528 allegations during 2006 (2.9 per 1,000 inmates); up from 5,386 in 2004 (2.5 per 1,000)
 - More than half of allegations involve staff sexual misconduct (36%) or harassment (17%)
 - 17% of allegations substantiated in 2006 (unchanged)
 - Victims were physically injured in 20% of the incidents
 - Occur most often in victim's cell or living area (73%); only 17% in common area (e.g., shower)
 - Reported by victim or other inmate in 83% of incidents
 - 45% of NCSA victims placed in protective custody; 31% of ASC victims
 - Most inmate perpetrators receive legal sanctions (41%) or solitary confinement (78%)



Survey of Sexual Violence, 2006 – Selected Findings

- Female staff implicated in staff misconduct in prisons (58%); male staff in local jails (79%)
- 7% of staff incidents involve physical force/pressure/abuse of power; 29% unwanted touching, indecent exposure, harassment; 57% romantic/no indication of coercion
- 69% of staff perpetrators were correctional officers; 13% were contract staff
- In prisons, occur most often in program area (49%), outside facility (12%) or staff office/infirmarium (9%); in jails, program areas (41%), living area (33%) or holding area (18%)
- 45% of staff arrested/referred for prosecution; 82% fired/resigned

