



U.S. Department of Justice
Office of Justice Programs

Presented by

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Collecting Data on Rape and Sexual Assault in an Institutional Setting



BUREAU OF JUSTICE STATISTICS

Prison Rape Elimination Act of 2003

- Requires BJS to
 - “carry out, for each calendar year, a comprehensive statistical report and analysis of the incidence and effects of prison rape”
 - sample “not less than 10 percent of all federal, State, and county prisons, a representative sample of municipal prisons”
 - “use surveys and other statistical studies of current and former inmates”
 - “Not later than June 30 of each year, ...submit a report ... with respect to prison rape, for the preceding calendar year”
 - “The report shall include ... a listing of those institutions ... ranked according to the incidence of prison rape in each institution... and a listing of any prisons ... that did not cooperate with the survey”

The National Survey of Youth in Custody (NSYC)

- Provides facility-level estimates of youth reporting sexual victimization in juvenile facilities, and local or privately operated facilities that held adjudicated youth under state contract.
 - NSYC-1 was conducted between June 2008 and April 2009
 - NSYC-2 was conducted between February 2012 and September 2012.
- NSYC-3 is currently in the field

The National Inmate Survey (NIS)

- Gathers data on the prevalence and incidence of sexual assault in adult prison and local jail facilities, as reported by inmates.
 - NIS-1 was conducted in 2007
 - NIS-2 in 2008–09
 - NIS-3 in 2011–12
- Expect the NIS-4 to field in 2018.
 - NIS-4 was separated into two collections in 2017
 - NIS-4 Prisons
 - NIS-4 Jails

Sample design –

- **Analytic Goals**
 - Produce national estimates
 - Produce facility-level estimates
- **Outcomes of Interest**
 - Overall Prevalence of sexual victimization
 - Youth on Youth/Inmate on Inmate
 - Sexual victimization involving a sexual act
 - Sexual victimization involving sexual contact only
 - Staff Sexual Misconduct (SSM)
 - Willing sexual conduct*
 - Unwilling sexual conduct
- **Two-stage design**
 - First-stage: Select facilities
 - Second-stage: Select inmates/youth within selected facilities

Data Collection Protocol –

- **Maximizing resident/inmate participation**
 - Audio Computer Assisted Self-Interview (ACASI)
 - Protects respondent confidentiality
 - Protects interviewers in juvenile collection
 - Combats literacy issues
 - Randomized questions
 - Paper and pencil (PAPI) when necessary
 - Maintain safety of interview team
- **Non-response (2 primary types)**
 - Residents/Inmates never appeared on roster – no chance to be sampled
 - Inmates on death row/in restrictive housing or isolation (SHU)/Medical housing
 - Inmates held for other authorities (ICE/Marshals)
 - Sampled residents/inmates who do not participate (refusals)
 - Can't get through consent/assent*
 - Not English or Spanish speaking
 - Administrative decision

Basic measurement approach includes –

- **Reporting of direct experience**, not subjective perception of experience of other inmates
- **Reporting of inmate-on-inmate/youth on youth** sexual activity separated from **staff sexual misconduct**
- **Screening for explicit sexual activities** (not a generic listing of sexual activity, but systematic review of behavioral-specific sexual acts)
 - Touching of body parts in sexual way; explicit sexual acts; giving and receiving – a means to measure fully all covered activities
 - Avoids long list of enumerated activities; not reliant on respondent's definition; shown to be more stable measurement strategy in other settings

- **Measurement of coercion** (from most extreme to least) separated from screening for any sexual activity
 - *Physically forced to*
 - *Without using physical force, ... pressured you or made you feel that you had to*
- **Nature of coercion** for each type of sexual activity measured after involvement in all types has been established (to avoid underreporting as result of perceived response burden)
- **Measure of *number of times*** linked to specific activities and then summary measure of separate incidents (Initial categories for respondents reporting more than 2 times; followed up by specific counts within categories)

7 primary screening items for sexual activity (YOY and SSM)

C1 These next questions are about both sexual contact that occurs in this facility. By sexual contact, we mean sexual intercourse, oral sex, anal sex or any other touching or rubbing of someone else's private parts in a sexual way...

C10 The questions ask about sexual contact you may have had while you've been here. Please think about any time when this contact might have happened with other youth or with facility staff here. Please include any kind of sexual contact, whether you wanted to do it or not.

1. C11 [Males] DOAFILL1, have you rubbed another person's penis with your hand or has someone rubbed your penis with their hand?

C18 [Females] DOAFILL1, have you rubbed another person's penis with your hand?

2. C12 [Males] DOAFILL1, have you rubbed another person's vagina with your hand?

C19 [Females] DOAFILL1, have you rubbed another person's vagina with your hand or has someone rubbed your vagina with their hand?

3. C13 [Males] DOAFILL1, have you put your mouth on another person's penis or has someone put their mouth on your penis?

C20 [Females] DOAFILL1, have you put your mouth on another person's penis?

4. **C14** [Males] **DOAFILL1**, have you put your mouth on someone else’s vagina?
C21 [Females] **DOAFILL1**, have you put your mouth on someone else’s vagina, or has someone put their mouth on your vagina?
5. **C15** [Males] **DOAFILL1**, have you put your penis, finger, or something else inside someone else’s rear end or has someone put their penis, finger, or something else inside your rear end?
C22 [Females] **DOAFILL1**, have you put your finger or something else inside someone else’s rear end or has someone put their penis, finger, or something else inside your rear end?
6. **C16** [Males] **DOAFILL1**, have you put your finger or something else inside someone else’s vagina?
C23 [Females] **DOAFILL1**, have you put your finger or something else inside someone else’s rear end or has someone put their penis, finger, or something else inside your vagina?
7. **C17** [Males] **C24** [Females] **DOAFILL1**, have you had any other kind of sexual contact with someone at this facility?

C17a or **C24a** What kind of sexual contact was that? CHECK ALL THAT APPLY

- Kissing on the lips.....1
- Kissing other parts of the body.....2
- Looking at private parts.....3
- Showing something sexual, like pictures or a movie4
- Something else that did not involve touching.....5
- Something that did involve touching.....6

2 screening items to determine YOY or SSM

C25 [IF Any C11-C24 = **Yes**] You've said that since you have been to this facility. [DISPLAY any item marked **Yes**]
Did (this/any of these) happen with a youth at this facility?

C27. DOAFILL1, which ones happened with a youth at his facility?
CHECK ALL THAT APPLY

C28 [IF Any C11-C24 = **Yes**] You've said that since you have been to this facility. [DISPLAY any item marked **Yes**]

C30. DOAFILL1, which ones happened with someone on the facility staff?
CHECK ALL THAT APPLY

4 items on the nature of YOY coercion (repeated for SSM)

1. C33 Which ones happened with a youth at this facility because of physical force or threat of physical force?
CHECK ALL THAT APPLY.

Display all activities that were reported in **C27**

2. C34 DOAFILL1, did (this/any of these) ever happen because a youth at this facility forced or pressured you in some other way to do it?

C34a How were you forced or pressured in some way? CHECK All THAT APPLY

- Another youth threatened you with harm 1
- Another youth threatened to get you in trouble with other youth2
- Another youth threatened to get you in trouble with staff 3
- Another you kept asking you to do it 4
- Another youth force or pressured you in some other way5

3. C35 Which ones happened with a youth at this facility because you were forced or pressured in some other way to do it?

CHECK ALL THAT APPLY.

Display all activities that were reported in **C27**

4. C36 DOAFILL1, did (this/any of these) ever happen because a youth at this facility in return for money, favors, protection, or other special treatment?

C37 Which ones happened with a youth at this facility in return for money, favors, protection, or other special treatment?

CHECK ALL THAT APPLY.

Display all activities that were reported in **C27**

Assessing reliability and validity of victim self-reports

Reliability measures

- Internal consistency
- Multiple measures
- Use of debriefing items

Validity measures

- External validation – surveys of administrative records
- External validation – press accounts of troubled facilities

New items

- Add incident report on most recent Nonconsensual Sexual Acts (NCSA)
- Add debriefing items to assess prior knowledge, improper influence, full disclosure

Validity of self-report data – in the absence of external validation

- **False negatives** – overcoming the reluctance of victims to report
 - Eliminating fear; setting conditions of anonymity/confidentiality; use of ACASI
 - Reduction through measurement strategy – separating elements (activity, directionality, coercion); multiple measures
- **False positives** – over-reporting
 - Reduction through use of ACASI
 - Assessment using internal consistency checks (hard vs. soft)
 - Inspecting patterns of victimization
 - Examining covariates – timing; opinions of staff/facility operations

Interviews checked for extreme & inconsistent response patterns (N= 8,845)

- 67 interviews dropped due to
 - survey completed in less than 10 minutes;
 - number of sexual contacts with staff or forced sexual contacts with other youth exceeded 1.5 incidents per day for every day since admission; and
 - during facility visit, the facility received reports from youth that they had entered false responses.
- 30 indicators developed to assess whether a youth showed signs that he or she did not fully understand the survey items, did not consistently report details, or provided inconsistent responses.
 - 71 interviews dropped, based on three or more inconsistencies
 - 90.4% reported no inconsistencies;
 - 7.0% reported one inconsistency;
 - 1.8% reported two;
 - 0.8% reported three
- Resulting in decline in victimization rate from 10.4% to 9.5%

New items for NSYC-3

- Add detailed incident form – to place last NCSA in time and obtain incident specific detail
- Add debriefing items to assess youths' prior knowledge of the survey content and prior communication with other youth
- Add debriefing item to determine if youth reported some contact that did not happen and failed to report some sexual contact that actually did happen
- Add debriefing items to determine whether youth was pressured to answer in a certain way

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