


FORM SSV2 (5-5-2004)	 SURVEY ON SEXUAL VIOLENCE, 2004 – State Prison Systems	U.S. DEPARTMENT OF JUSTICE BUREAU OF JUSTICE STATISTICS and ACTING AS A COLLECTION AGENT U.S. DEPARTMENT 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		City	State	Zip Code
TELEPHONE	Area Code	Number	FAX NUMBER	Area Code	Number
E-MAIL ADDRESS					

DRAFT

GENERAL INFORMATION

- If you need assistance, call the **U.S. Census Bureau** toll-free at **1-800-253-2078**, or e-mail govs.prisonrape@census.gov.

- **Please return your completed questionnaire by October 31, 2004.** Return all pages by either **MAIL or FAX:**

MAIL TO: U.S. Census Bureau, Governments Division, Washington Plaza, Bldg. 2, Room 509, Washington, DC 20233-6800

FAX (TOLL FREE): 1-888-891-2099.

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

What inmates and incidents are included in this data collection?

Inmates under your custody between July 1, 2003, and June 30, 2004.

- **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.

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 90 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, N.W., Washington, DC 20531. Do not send your completed form to this address.

SECTION I: INMATE-ON-INMATE SEXUAL VIOLENCE

DEFINITIONS OF SEXUAL VIOLENCE

The definition of "rape" as required under the Prison Rape Elimination Act of 2003 will be operationalized by disaggregating sexual assault into two categories of inmate-on-inmate SEXUAL VIOLENCE. These categories reflect uniform definitions formulated by the National Center for Injury Prevention and Control, in "Sexual Violence Surveillance: Uniform Definitions and Recommended Data Elements," Center for Disease Control and Prevention. The categories of inmate-on-inmate SEXUAL VIOLENCE are:

NON-CONSENSUAL SEXUAL ACTS:

- 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 vagina or the penis and the anus involving penetration, however slight; or
- Contact between the mouth and the penis, vagina, or anus; or
- Penetration of the anal or genital opening of another person by a hand, finger, or other object.

ABUSIVE SEXUAL CONTACTS:

- 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.

REPORTING INSTRUCTIONS

- If the answer to a question is "not available" or "unknown," write "DK" in the space provided.
- If the answer to a question is "not applicable," write "NA" in the space provided.
- If the answer to a question is "none" or "zero," mark box (☒) provided.

1. Does your State prison system record incidents of inmate-on-inmate NON-CONSENSUAL SEXUAL ACTS?

- Yes → a. Do you record all reported incidents, or only substantiated incidents?
- All
 - Substantiated only
- b. Do you record attempted incidents or only completed incidents?
- Attempted
 - Completed only
- No (Please provide the definition used by your State prison system for inmate-on-inmate NON-CONSENSUAL SEXUAL ACTS in the space below. Use that definition to complete Items 2 through 7 and Items 13 through 17.)

2. Between July 1, 2003, and June 30, 2004, how many incidents of inmate-on-inmate NON-CONSENSUAL SEXUAL ACTS were reported?

Number reported None

(If Item 2 is "None", skip to Item 8.)

- Count each occurrence. If an occurrence involves multiple victims or perpetrators, count as one incident.

3. Of the incidents reported in Item 2, how many were —

a. Substantiated None

b. Unsubstantiated None

c. Pending investigation None

(If Item 3a is "None", skip to Item 8.)

4. Of the substantiated incidents of inmate-on-inmate NON-CONSENSUAL SEXUAL ACTS reported in Item 3a, how many were —

a. Completed None

b. Attempted None Not recorded

• Count each occurrence. If an occurrence involves multiple victims or perpetrators, count as one incident.

5. How many victims were involved in the substantiated incidents of inmate-on-inmate NON-CONSENSUAL SEXUAL ACTS reported in Item 3a?

a. Males None

b. Females None

• Count victims involved in all occurrences. If an occurrence involves multiple victims, count each victim.
• If the same inmate is victimized more than once during the 12-month period, count only once.

6. How many perpetrators were involved in the substantiated incidents of inmate-on-inmate NON-CONSENSUAL SEXUAL ACTS reported in Item 3a?

a. Males None

b. Females None

• Count perpetrators involved in all occurrences. If an occurrence involves multiple perpetrators, count each perpetrator.
• If the same inmate is a perpetrator of more than one incident during the 12-month period, count only once.

7. How many inmates were referred for prosecution for the substantiated incidents of inmate-on-inmate NON-CONSENSUAL SEXUAL ACTS reported in Item 3a?

Number referred for prosecution None

• Include only those referred for prosecution for incidents that occurred between July 1, 2003, and June 30, 2004.

8. Does your State prison system record incidents of inmate-on-inmate ABUSIVE SEXUAL CONTACTS? (See definitions on page 2.)

Yes → Can these incidents be counted separately from NON-CONSENSUAL SEXUAL ACTS?
 Yes
 No (Skip to Item 13.)

No (Please provide an explanation in the space below and then skip to Item 13.)

9. Between July 1, 2003, and June 30, 2004, how many incidents of inmate-on-inmate ABUSIVE SEXUAL CONTACTS were reported?

Number reported None

(If Item 9 is "None", skip to Item 13.)

• Count each occurrence. If an occurrence involves multiple victims or perpetrators, count as one incident.

10. Of the incidents reported in Item 9, how many were —

a. Substantiated None

b. Unsubstantiated. None

c. Pending investigation. None

(If Item 10a is "None", skip to Item 13.)

11. How many victims were involved in the substantiated incidents of inmate-on-inmate ABUSIVE SEXUAL CONTACTS reported in Item 10a?

a. Males None

b. Females None

• Count victims involved in all occurrences. If an occurrence involves multiple victims, count each victim.
• If the same inmate is victimized more than once during the 12-month period, count only once.

12. How many perpetrators were involved in the substantiated incidents of inmate-on-inmate ABUSIVE SEXUAL CONTACTS reported in Item 10a?

a. Males None

b. Females None

- Count perpetrators involved in all occurrences. If an occurrence involves multiple perpetrators, count each perpetrator.
- If the same inmate is a perpetrator of more than one incident during the 12-month period, count only once.

Questions 13 - 17 refer to incidents of inmate-on-inmate SEXUAL VIOLENCE, which include all substantiated incidents of NON-CONSENSUAL SEXUAL ACTS and ABUSIVE SEXUAL CONTACTS.

13. How are incidents of inmate-on-inmate SEXUAL VIOLENCE recorded in your State prison system? Mark () all that apply.

- Inmate disciplinary files
- Inmate grievance files
- Inmate medical files
- Internal affairs/Inspector General files
- Other - specify

14. Does your State prison system record the following information on incidents of inmate-on-inmate SEXUAL VIOLENCE? Mark () "Yes" or "No" for each.

- a. Date of occurrence Yes No
- b. Date incident was reported Yes No
- c. Injuries sustained by victim(s) Yes No
- d. HIV/AIDS status of victim(s) Yes No
- e. Medical treatment provided Yes No
- f. HIV/AIDS status of perpetrator(s) Yes No
- g. Name of perpetrator(s) Yes No
- h. Gang involvement Yes No
- i. Disciplinary action/sanction imposed Yes No

15. Are data collected on where incidents of inmate-on-inmate SEXUAL VIOLENCE occur?

Yes → Between July 1, 2003, and June 30, 2004, how many incidents of SEXUAL VIOLENCE occurred —

a. In the victim's cell/room

- If the victim and perpetrator share a cell/room, count as the victim's cell/room.

b. In the perpetrator's cell/room

c. In a temporary holding area/lockup

d. In a common area within the facility (e.g., workshop, yard, library, cafeteria, day room, recreational area, or shower)

e. Outside the prison facilities (e.g., while on work release or work detail, under community supervision, or in transit)

f. Other - specify

g. TOTAL (Sum of Items 13a to 13f should equal sum of Items 3a and 10a.)

No

16. What sanctions were imposed on perpetrators of inmate-on-inmate SEXUAL VIOLENCE that occurred between July 1, 2003, and June 30, 2004? Mark () all that apply.

- Solitary confinement or segregation
- Confinement to own cell or quarters
- Higher custody level within same facility
- Transferred to another facility
- Loss of "good/gain" time or increase in "bad" time
- Given extra work
- Loss of privileges
- Given new sentence

17. Does your State prison system provide an HIV/AIDS test for persons involved in incidents of inmate-on-inmate SEXUAL VIOLENCE? Mark () all that apply.

- Yes → Under what circumstances?
- Mandatory testing for victim
 - Testing for victim upon request
 - Mandatory testing for perpetrator
 - Testing for perpetrator upon request by victim
 - Other - specify

No

SECTION II: STAFF SEXUAL MISCONDUCT

DEFINITION OF STAFF SEXUAL MISCONDUCT

The definition of STAFF SEXUAL MISCONDUCT is based on "Training for Investigators of Staff Sexual Misconduct," prepared by the National Institute of Corrections. STAFF SEXUAL MISCONDUCT includes any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, official visitor, or agency representative.

- Consensual or non-consensual sexual acts;
- Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse, or gratify sexual desire; or
- Completed, attempted, threatened, or requested sexual acts; or
- Incidents of indecent exposure, invasion of privacy for sexual gratification, or staff voyeurism.

DEFINITION OF STAFF SEXUAL HARASSMENT

The definition of STAFF SEXUAL HARASSMENT was also developed by the National Institute of Corrections. STAFF SEXUAL HARASSMENT includes repeated verbal statements or comments of a sexual nature to an inmate by employee, volunteer, official visitor, or agency representative.

- Demeaning references to gender or derogatory comments about body or clothing; or
- Repeated profane or obscene language or gestures.

18. Does your State prison system record incidents of STAFF SEXUAL MISCONDUCT?

- Yes → **Do you record all reported incidents, or only substantiated incidents?**
- All
 - Substantiated only

No (Please provide an explanation in the space below and then skip to Item 24.)

19. Between July 1, 2003, and June 30, 2004, how many incidents of STAFF SEXUAL MISCONDUCT were reported?

Number reported None

(If Item 19 is "None", skip to Item 24.)

- Count each occurrence. If an occurrence involves multiple victims or staff, count as one incident.

20. Of the incidents reported in Item 19, how many were —

a. Substantiated None

b. Unsubstantiated None

c. Pending investigation. None

(If Item 20a is "None", skip to Item 24.)

21. How many victims were involved in the substantiated incidents of STAFF SEXUAL MISCONDUCT reported in Item 20a?

a. Males. None

b. Females. None

- Count victims involved in all occurrences. If an occurrence involves multiple victims, count each victim.
- If the same inmate is victimized more than once during the 12-month period, count only once.

22. How many staff were involved in the substantiated incidents of STAFF SEXUAL MISCONDUCT reported in Item 20a?

a. Males None

b. Females. None

- Count staff involved in all occurrences. If an occurrence involves multiple staff members, count each only once.
- If the same staff member is a perpetrator of more than one incident during the 12-month period, count only once.

23. Between July 1, 2003, and June 30, 2004, how many staff were disciplined for the substantiated incidents of STAFF SEXUAL MISCONDUCT reported in Item 20a?

- a. Number of staff discharged
- b. Number of staff disciplined but not discharged.
- c. Number of staff referred for prosecution.

24. Does your State prison system record incidents of STAFF SEXUAL HARASSMENT? (See definitions on page 5.)

- Yes → Can these incidents be counted separately from incidents of STAFF SEXUAL MISCONDUCT?
 - Yes
 - No (End of questionnaire.)
- No (Please provide an explanation in the space below. End of questionnaire.)

25. Between July 1, 2003, and June 30, 2004, how many incidents of STAFF SEXUAL HARASSMENT were reported?

Number reported. None

- Count each occurrence. If an occurrence involves multiple victims or staff, count as one incident.

26. Of the incidents reported in Item 25, how many were —

- a. Substantiated None
- b. Unsubstantiated. None
- c. Pending investigation ... None

27. How many victims were involved in the substantiated incidents of STAFF SEXUAL HARASSMENT reported in item 26a?

a. Males None

b. Females. None

- Count all victims involved in all occurrences. If an occurrence involves multiple victims, count each victim.
- If the same inmate is victimized more than once during the 12-month period, count only once.

28. How many staff were involved in the substantiated incidents of STAFF SEXUAL HARASSMENT reported in item 26a?

a. Males None

b. Females. None

- Count staff involved in all occurrences. If an occurrence involves multiple staff members, count each only once.

29. Between July 1, 2003, and June 30, 2004, how many staff were disciplined for the substantiated incidents of STAFF SEXUAL HARASSMENT reported in Item 26a?

- a. Number of staff discharged
- b. Number of staff disciplined but not discharged.
- c. Number of staff referred for prosecution.

NOTES