


FORM SSV5 (5-5-2004)	 SURVEY ON SEXUAL VIOLENCE, 2004 – State Juvenile 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 juvenile residential placement facilities used to house juveniles and youthful offenders, regardless of age or reason for placement, who have committed an offense.

- **INCLUDE** State-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 drug or alcohol treatment facilities for juveniles.
- **EXCLUDE** privately-operated facilities and facilities operated or administered by local governments. (These facilities will be contacted directly for data on sexual violence.)

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 July 1, 2003, and June 30, 2004.

- **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.

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.

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.
- An offense that is ILLEGAL in your State for juveniles, but not for adults (running away, truancy, incorrigibility, curfew violation, and liquor violations).

EXCLUDE State-operated facilities used ONLY to house juveniles for:

- Non-criminal behavior (neglect, abuse, abandonment, mental health treatment, dependency, or substance abuse treatment).
- Being Persons in Need of Services (PINS) or Children in Need of Services (CHINS) who have assigned beds for reasons other than offenses.

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.

SECTION I: GENERAL INFORMATION

1. On June 30, 2004, 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 June 30, 2004, how many persons held in the facilities reported in Item 1 were —

a. Males

b. Females

c. TOTAL (*Sum of Items 2a to 2b*).

- Count persons held in the facilities reported in Item 1 regardless of age or the reason for placement. Include persons who were temporarily away but had assigned beds on June 30, 2004.

3. On June 30, 2004, how many persons held in the facilities reported in Item 1 were —

a. Age 17 or younger

b. Age 18 to 20

c. Age 21 or older.

d. TOTAL (*Sum of Items 3a to 3c should equal Item 2c*).

- Count all persons held in the facilities reported in Item 1 regardless of the reason for placement. Include persons who were temporarily away but had assigned beds on June 30, 2004.

4. Between July 1, 2003, and June 30, 2004, 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 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 youth-on-youth 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 youth-on-youth 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.

5. Does your State juvenile system record incidents of youth-on-youth NON-CONSENSUAL SEXUAL ACTS that occur at State-operated juvenile residential facilities?

- Yes → a. Does your system record all reported incidents, or only substantiated incidents?
 All
 Substantiated only
- b. Does your system record attempted incidents or only completed incidents?
 Attempted
 Completed only
- c. Does your system consider all sexual acts involving youth under age 18 as non-consensual?
 Yes
 No
 Other - specify ↴

No (Please provide the definition used by your system for youth-on-youth NON-CONSENSUAL SEXUAL ACTS in the space provided in the next column. Use that definition to complete items 6 through 10 and Items 17 through 20.)

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

Number reported None

(If Item 6 is "None", skip to Item 12.)

- Count each occurrence. If an occurrence involves multiple victims or perpetrators, count as one incident.
- Include incidents that occurred outside the facility, but while youth were under the authority, custody, or care of State-operated confinement facilities or staff.

7. Of the incidents reported in Item 6, how many were —

a. Substantiated None

b. Unsubstantiated None

c. Pending investigation. None

(If Item 7a is "None", skip to Item 12.)

8. Of the substantiated incidents of youth-on-youth NON-CONSENSUAL SEXUAL ACTS reported in Item 7a, 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.

9. How many victims were involved in the substantiated incidents of youth-on-youth NON-CONSENSUAL SEXUAL ACTS reported in Item 7a?

a. Males None

b. Females None

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

10. How many perpetrators were involved in the substantiated incidents of youth-on-youth NON-CONSENSUAL SEXUAL ACTS reported in Item 7a?

a. Males None

b. Females None

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

11. How many persons were referred for prosecution for the substantiated incidents of youth-on-youth NON-CONSENSUAL SEXUAL ACTS reported in Item 7a?

Number referred for prosecution. None

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

12. Does your State juvenile system record incidents of youth-on-youth ABUSIVE SEXUAL CONTACTS that occur at State-operated juvenile residential facilities? (See definitions on page 3.)

Yes → Can these incidents be counted separately from NON-CONSENSUAL SEXUAL ACTS?

Yes

No (Skip to Item 17.)

No (Please provide an explanation in the space below and then skip to Item 17.)

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

Number reported None

- Count each occurrence. If an occurrence involves multiple victims or perpetrators, count as one incident.
- Include incidents that occurred outside the facility, but while youth were under the authority, custody, or care of State-operated confinement facilities or staff.

(If Item 13 is "None", skip to Item 17.)

14. Of the incidents reported in Item 13, how many were —

a. Substantiated None

b. Unsubstantiated None

c. Pending investigation. None

(If Item 14a is "None", skip to Item 17.)

15. How many victims were involved in the substantiated incidents of youth-on-youth ABUSIVE SEXUAL CONTACTS reported in Item 14a?

a. Males None

b. Females None

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

16. How many perpetrators were involved in the substantiated incidents of youth-on-youth ABUSIVE SEXUAL CONTACTS reported in Item 14a?

a. Males None

b. Females None

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

Questions 17 - 20 refer to incidents of youth-on-youth SEXUAL VIOLENCE, which include all substantiated incidents of NON-CONSENSUAL SEXUAL ACTS and ABUSIVE SEXUAL CONTACTS that occurred at State-operated juvenile residential facilities.

17. Does your State juvenile system record the following information on incidents of youth-on-youth SEXUAL VIOLENCE that occurred at State-operated juvenile residential facilities? 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

18. Are data collected on where incidents of youth-on-youth 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., hallway, cafeteria, classroom, day room, library, or recreational area)

e. Outside the juvenile facilities (e.g., while on work/school release, under community supervision, or in transit) . .

f. Other - specify ↴

g. TOTAL (Sum of Items 18a to 18f should equal sum of Items 7a and 14a.)

No

19. Between July 1, 2003, and June 30, 2004, what sanctions were imposed on perpetrators of youth-on-youth SEXUAL VIOLENCE? Mark (☒) all that apply.

- Solitary confinement or segregation
- Confinement to own cell/room
- Higher custody level within same facility
- Transferred to another facility
- Given extra work
- Loss of privileges
- Given new sentence
- Other - specify ↴

20. Does your State juvenile system provide an HIV/AIDS test for persons involved in incidents of youth-on-youth 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 III: 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 a juvenile or youthful offender by an employee, counselor, instructor, 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 a juvenile or youthful offender by employee, counselor, instructor, 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.

21. Does your State juvenile system record incidents of STAFF SEXUAL MISCONDUCT that occur in State-operated juvenile residential facilities?

- Yes → Does your system 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 27.)

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

Number reported None

(If Item 22 is "None", skip to Item 27.)

- Count each occurrence. If an occurrence involves multiple victims or staff, count as one incident.
- Include incidents that occurred outside the facility, but while youth were under the authority, custody, or care of State-operated confinement facilities or staff.

23. Of the incidents reported in Item 22, how many were —

a. Substantiated None

b. Unsubstantiated None

c. Pending investigation. None

(If Item 23a is "None", skip to Item 27.)

24. How many victims were involved in the substantiated incidents of STAFF SEXUAL MISCONDUCT reported in Item 23a?

a. Males None

b. Females None

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

25. How many staff were involved in the substantiated incidents of STAFF SEXUAL MISCONDUCT reported in Item 23a?

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.

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

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

27. Does your State juvenile system record incidents of STAFF SEXUAL HARASSMENT that occur in State-operated juvenile residential facilities? (See definitions on page 6.)

- 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.)

28. 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.

29. Of the incidents reported in Item 28, how many were —

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

30. How many victims were involved in the substantiated incidents of STAFF SEXUAL HARASSMENT reported in Item 29a?

- 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 person is victimized more than once during the 12-month period, count only once.

31. How many staff were involved in the substantiated incidents of STAFF SEXUAL HARASSMENT reported in Item 29a?

- a. Males None
- b. Females None

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

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

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

NOTES