

## Understanding the 2016 BJS Report on Sexual Victimization Reported by Juvenile Facilities

In January 2016, the Bureau of Justice Statistics (BJS) published a special report entitled [\*Sexual Victimization Reported by Juvenile Correctional Authorities, 2007-12\*](#). The report examined findings from the Survey of Sexual Violence (SSV), which captured survey results from correctional administrators in state juvenile systems, locally and privately operated juvenile correctional facilities, and juvenile correctional facilities in Indian country.<sup>1</sup>

### Key Findings<sup>2</sup>

#### Overall Victimization Rates

- From 2007 to 2012, state or local and private facilities reported nearly **9,500** allegations of youth sexual victimization.
- In state juvenile systems, the number of allegations per year rose steadily, and the rate more than doubled from **19 per 1,000** youth in 2005 to **47 per 1,000** youth in 2012.
- In local and private facilities, the rate of reports almost doubled from **7.2 per 1,000** youth in 2010 to **13.5 per 1,000** youth in 2012, although rates fluctuated from 2005 to 2012.

#### Staff-on-Youth Sexual Victimization

- From 2007 to 2012, **45%** of youth sexual victimization allegations in state or local and private facilities involved staff-on-youth sexual victimization.
- During this six-year period, **10%** of the staff-on-youth sexual victimization allegations were substantiated.
  - Of those substantiated, **64%** appeared to involve a “willing sexual relationship” between staff and youth. However, these incidents were illegal and considered an abuse of power.
  - In incidents involving staff sexual misconduct,<sup>3</sup> **13%** involved unwanted touching for sexual gratification, **9%** involved abuse of power or pressure, and **6%** involved invasion of privacy, indecent exposure, or voyeurism.
- Females composed **64%** of perpetrators of staff sexual misconduct and males composed **69%** of perpetrators of staff sexual harassment.<sup>4</sup>
- In substantiated incidents involving staff sexual misconduct, **92%** of staff lost their jobs and **51%** were arrested and referred for prosecution.
- In substantiated incidents involving staff sexual harassment, **49%** of staff lost their jobs, **43%** were reprimanded or disciplined, **16%** were arrested or referred for prosecution, **5%** were demoted, and **4%** were transferred to another facility.

### Youth-on-Youth Sexual Victimization

- From 2007 to 2012, **55%** of youth sexual victimization allegations in state or local and private facilities involved youth-on-youth sexual victimization.
- During this six-year period, **25%** of the youth-on-youth sexual victimization allegations were substantiated.
  - This accounted for **76%** of substantiated incidents across state systems and in local or private facilities.
  - Of those substantiated, **18%** were reported as nonconsensual sexual acts (involving force or threat of force and penetration), **35%** were reported as abusive sexual contact (involving unwanted touching for sexual gratification), and **5%** resulted in physical injury to the victims (of which **61%** received some form of medical follow-up).
- Males composed **70%** of perpetrators in state juvenile systems and **86%** of perpetrators in local or private facilities.
- In the most serious incidents, **28%** of youth perpetrators were placed in higher custody, **25%** were moved to solitary confinement or disciplinary segregation, and **20%** were transferred to another unit or facility.
- In the least serious incidents (involving consensual sexual activity), **29%** of youth perpetrators were placed in higher custody, **18%** were moved to solitary confinement or disciplinary segregation, **13%** received legal sanctions, and **10%** were transferred to another unit or facility.

### Victim Characteristics

- In regard to sex:
  - Males composed **64%** of youth-on-youth victims in state juvenile systems, **74%** of youth-on-youth victims in local and private facilities, and almost **60%** of victims of staff sexual harassment.
  - Females composed **36%** of youth-on-youth victims in state juvenile systems, **26%** of youth-on-youth victims in local and private facilities, and **40%** of victims of staff sexual harassment.<sup>5</sup>
- In regard to race:
  - White youth composed **33%** of youth held in juvenile facilities, **55%** of all youth-on-youth victims, and **49%** of all staff-on-youth victims.
  - Black youth composed **40%** of youth held in juvenile facilities, **28%** of all youth-on-youth victims, and **42%** of all staff-on-youth victims.
  - Hispanic youth composed **23%** of youth held in juvenile facilities, **12%** of all youth-on-youth victims, and **12%** of all staff-on-youth victims.
- In regard to age:
  - Youth age 15 or younger composed **30%** of youth held in juvenile facilities and **47%** of all youth-on-youth victims.
  - Youth age 16 or older composed **70%** of youth held in juvenile facilities and **77%** of all staff-on-youth victims.

### Facility Characteristics and Other Factors

- Relative to the number of youth held, state juvenile systems had significantly higher rates of sexual victimization (**5.9 per 1,000 youth**) compared to local or private facilities (**2.3 per 1,000 youth**) from 2007 to 2012.
- Supervision staff was involved in **76%** of substantiated incidents of sexual victimization of youth in state juvenile systems and **86%** in local or private facilities.
- **33%** of staff-on-youth sexual misconduct took place in a program service area (such as the commissary, storage area, classroom, or hallway), and **29%** took place in a common area (such as a dayroom, bathroom, or shower).
- **37%** of youth-on-youth victimization took place in a common area (such as a shower or day room) and **20%** occurred in a program or service area.
- **46%** of staff sexual misconduct and **39%** of youth-on-youth victimization took place between 6 p.m. and midnight.

### **Methodology**

The Prison Rape Elimination Act of 2003 requires the Bureau of Justice Statistics (BJS) to develop a list of juvenile correctional facilities ranked according to the prevalence of sexual victimization.<sup>6</sup> To meet this requirement, BJS completes the Survey of Sexual Victimization (SSV), the first of which was published in 2004. BJS studied adjudicated youth residing in three types of facilities: (a) facilities operated by the 50 states and the District of Columbia (501 facilities in 2007, 495 in 2008, 473 in 2009, 450 in 2010, 450 in 2011, and 422 in 2012); (b) 330 locally or privately operated juvenile correctional facilities; and (c) all juvenile correctional facilities in Indian country (20 facilities in 2008, 19 in 2009, 18 in 2010, 16 in 2011, and 20 in 2012).

The SSV survey provided correctional administrators with the option of completing a mailed copy of the survey forms or completing the survey online. The administrators provided the number of reported allegations of sexual victimization and the number of substantiated incidents from 2007 to 2012. Administrators provided data for four types of sexual victimization: (1) youth-on-youth abusive sexual conduct; (2) youth-on-youth nonconsensual sexual acts; (3) staff sexual harassment; and (4) staff sexual misconduct. For each of these four types of sexual victimization, administrators indicated how many of the allegations were still under investigation, unfounded (did not occur), unsubstantiated (insufficient evidence to determine whether an incident should be substantiated), and substantiated. For each substantiated incident, administrators completed a separate form that provided details about the victim, the perpetrator, and the circumstances surrounding the incident.

While the authors of the report extrapolated their data to conclude that 35% of youth sexual victimization allegations have been substantiated nationwide, nearly 9,500 allegations were reported from 2007 to 2012.

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<sup>1</sup> The study authors separated the definition of sexual victimization into 2 categories: (1) youth-on-youth sexual victimization defined as “sexual contact with a person without his or her consent or with a person who is unable to consent or refuse”; and (2) staff-on-youth sexual victimization defined as “both consensual and nonconsensual acts perpetrated on a youth by staff (staff includes an employee, volunteer, contractor, official visitor, or other agency representative).”

<sup>2</sup> The study authors weighted the data collected in their survey and provide the findings in the form of facility-level, state-level, and local- and private-level estimates.

<sup>3</sup> The study authors defined staff sexual misconduct as “any behavior or act of a sexual nature directed toward a juvenile or youthful offender by staff, including romantic relationships. Such acts include: (1) intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse, or gratify sexual desire; or (2) completed, attempted, threatened, or requested sexual acts; or (3) occurrences of indecent exposure, invasion of privacy, or staff voyeurism for sexual gratification.”

<sup>4</sup> The study authors defined staff sexual harassment as “repeated verbal statements or comments of a sexual nature to a juvenile or youthful offender by staff. Such statements include: (1) demeaning references to gender or derogatory comments about body or clothing; or (2) repeated profane or obscene language or gestures.”

<sup>5</sup> The study authors noted that “Females were overrepresented among victims because at the time of the 2011 Census of Juveniles in Residential Placement, they represented 10% of youth in state systems and 15% of youth in locally or privately operated facilities.”

<sup>6</sup> See 42 U.S.C. § 15603(c)(2)(B)(ii).