

# Prison Rape Elimination Act (PREA)

## Study in Oregon Juvenile Detention Facilities

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# Introduction

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The Prison Rape Elimination Act (PREA) was passed by Congress in 2003. The purpose of the act is to “provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape.”<sup>1</sup> PREA requires the Bureau of Justice Statistics (BJS) to conduct a yearly comprehensive statistical review and analysis of the incidence and effects of prison rape.<sup>2</sup> While BJS does collect data on sexual victimization of youth in correctional facilities on a national level through the National Survey of Youth in Custody,<sup>3</sup> the survey includes only adjudicated youth, not those awaiting adjudication in detention facilities.

As part of a larger effort to implement PREA standards in Oregon, three Oregon counties, led by Linn County, initiated a study of youth housed in Oregon’s 11 juvenile detention facilities. The purpose of this study was to identify the frequency of sexual assault in juvenile detention facilities throughout Oregon and the factors associated with vulnerability to sexual assault while in detention. The ultimate goal is to use this information to reduce sexual assaults.

To administer the survey in detention facilities, as well as perform data analysis and produce a final report, Linn County contracted with Program Design and Evaluation Services (PDES). PDES is an intergovernmental, applied public health research and evaluation unit housed within the Multnomah County Health Department and Oregon Public Health Division.

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<sup>1</sup> Prison Rape Elimination Act of 2003. Full text available at:  
<http://www.prearesourcecenter.org/sites/default/files/library/prea.pdf> Accessed Aug 22, 2014

<sup>2</sup> <http://www.bjs.gov/index.cfm?ty=tp&tid=20> Accessed Aug 22, 2014

<sup>3</sup> National Survey of Youth in Custody (NSYC) <http://www.bjs.gov/index.cfm?ty=dcdetail&iid=321> Accessed Aug 22, 2014

# Methods

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Beginning in February 2014, facility managers at each of Oregon's 11 juvenile detention facilities were contacted in order to obtain consent for their inclusion in the study. By May, nine facilities had agreed to participate. Between June and July 2014, an anonymous, paper and pencil survey (Appendix A) was administered to 202 youth housed in the nine participating facilities when visited (Appendix B). All youth who responded to the call out participated in the study. Two surveys were excluded from the analysis. One survey was excluded due to non-response, and one was excluded due to inconsistent and implausible responses. All participating facilities were assessed once, and the two larger detention facilities, located in Marion and Multnomah counties, were assessed a second time with at least 11 days separating the assessments.

## Questionnaire

The study questionnaire (Appendix A) was adapted from a questionnaire used in an Oregon Youth Authority (OYA) PREA study of Oregon's juvenile correctional facilities.<sup>4</sup> The revised questionnaire was piloted with a small group of youth incarcerated at an OYA facility to help ensure the instrument was comprehensible to the study population. The questionnaire included items on respondent demographics, detention profile, and physical assault in addition to items on sexual assault. Youth were asked about consensual and non-consensual sexual contact both inside and outside of the facility.

## Survey Administration

Before survey administration, we contacted the manager of each participating facility to determine the survey administration date, logistics around calling youth out for the survey, need for surveys in languages other than English, and resources available at the facility for youth to report sexual assault.

For survey administration, up to eight youth were called out at a time to complete the survey. In order to help youth feel comfortable and safe answering such sensitive questions, participants were arranged, as space allowed, so that others in the room could not easily view responses. In addition, we asked detention staff to wait outside the room during survey administration. The

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<sup>4</sup> Oregon Youth Authority (OYA) PREA Report: Characteristics associated with youth being sexually victimized. 2013. Oregon Department of Corrections, Research, Evaluation and Projects.

project interviewer then read an introductory script (Appendix C) that described the study purpose and the voluntary and anonymous nature of participation. Participants were assured that no detention facility or study staff would be able to link responses back to the individual. The introductory script also provided participants the referral resources for sexual assault identified by the facility. Participants were encouraged to report sexual assault to the resources identified by the individual facility, not to the project interviewer. The survey took most participants less than 10 minutes to complete.

To ensure survey anonymity, youth were instructed not to place their name or any identifying information on the questionnaire, and, upon survey completion, the study interviewer visually inspected all questionnaires to make sure no names or other identifying information was on the forms. Completed surveys were then placed in a locked bag for transport back to PDES offices where they were stored in a locked file cabinet until being shipped via FedEx to Oregon Corrections Enterprises for scanning.

### Analysis

Data were weighted to adjust for the overrepresentation of youth from facilities that were assessed more than once (Marion and Multnomah). Participants from Marion and Multnomah counties were given a weight of one-half; all others were given a weight of one. We conducted weighted frequencies of demographic characteristics, the detention profile, threat and occurrence of physical assault, and threat and occurrence of sexual assault. Confidence intervals were generated using Stata version 13 taking into account the weights. Weighted frequencies, unweighted counts, and 95 percent confidence intervals are displayed in all tables.

# Results

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## Demographic Profile

The majority (81 percent) of youth in detention were male, although females made up nearly 19 percent of the population in these co-ed facilities (Table 1). The age of the youth in detention ranged from age 12 to 18 years, with roughly 40 percent being under the age of 16. The racial and ethnic composition of the youth was more diverse than the general population<sup>5</sup> with only 42 percent of youth identifying as white only, and 20 percent as two or more races/ethnicities. Most youth (83 percent) identified as “totally straight,” but a notable number (17 percent) reported a sexual orientation other than totally straight. Educational attainment was low with nearly 30 percent of youth having completed middle school (8<sup>th</sup> grade) or less.

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<sup>5</sup> U.S. Census. Available at: <http://quickfacts.census.gov/qfd/states/41000.html> Accessed Aug 22, 2014

**Table 1. Respondent Demographics**

	n	%	95% Confidence Interval	
<b>Gender</b>				
Male	150	81.1	74.5	86.3
Female	36	18.5	13.4	25.1
Other	1	0.4	0.0	2.6
<b>Age</b>				
12	5	2.8	1.1	6.8
13	10	5.6	3.0	10.5
14	23	12.7	8.4	18.7
15	37	18.3	13.3	24.7
16	52	24.7	18.9	31.5
17	65	33.1	26.5	40.4
18	6	2.8	1.2	6.5
<b>Race</b>				
African American	22	9.7	6.3	14.7
Asian/Pacific Islander	1	0.4	0.0	2.6
White	76	41.9	34.7	49.5
Hispanic	34	14.7	10.4	20.3
Native American or Alaska Native	10	6.5	3.5	11.8
Other	12	6.5	3.6	11.4
Multiracial	40	20.4	15.1	27.1
<b>Sexual Orientation</b>				
Totally straight	166	83.4	77.0	88.3
Mostly straight but kind of attracted to people of your own sex	8	5.0	2.4	9.8
Bisexual, attracted to both males & females	17	8.5	5.3	14
Mostly gay but kind of attracted to people of the opposite sex	1	0.7	0.0	4.9
Totally gay	1	0.4	0.0	2.5
Not sexually attracted to either males or females	2	1.4	0.4	5.5
Not sure/Don't know	2	0.7	0.2	2.8
<b>Education</b>				
Less than 6th grade	3	2.1	0.7	6.5
6th–8th grade	51	27.4	21.2	34.7
9th–11th grade	130	65.1	57.6	72.9
12th grade or more	11	5.3	2.9	9.8

Note: Unweighted counts (n's), weighted percentages, and weighted Confidence Intervals displayed for all responses

## Detention Profile

Most youth reported having been in detention before, with 13 percent reporting having been in detention once previously, 36 percent reporting two to six previous stays, and 26 percent reporting seven or more previous stays (Table 2). About one-third of youth reported being housed at their current detention facility for one week or less, while another one-third reporting being at the facility for more than a month. Nearly 20 percent of youth reporting being held on a Measure 11 charge, but a similar proportion (19 percent) of youth reported not knowing if they were facing a Measure 11 charge. Approximately 60 percent of youth were being held on a probation violation, and 22 percent identified as being associated with a gang.

**Table 2. Detention Profile**

	n	%	95% Confidence Interval	
<b>Previous stays in detention</b>				
0	55	25.0	19.3	31.7
1	27	13.4	9.1	19.3
2–6	69	35.6	28.8	43.0
7+	47	26.1	19.9	33.3
<b>Total days in current facility</b>				
one week or less	62	32.4	25.8	39.8
8–14 days	39	20.1	14.7	26.7
15–30 days	29	13.4	9.2	19.1
31–90 days	30	16.2	11.3	22.6
over 90 days	38	18.0	13.0	24.2
<b>Measure 11 charge</b>				
Yes	44	19.4	14.4	25.7
No	122	61.8	54.4	68.8
Don't know	31	18.7	13.4	25.6
<b>Probation violation</b>				
Yes	112	59.7	52.3	66.7
No	85	40.3	33.3	47.7
<b>Gang affiliated</b>				
Yes	43	22.4	16.8	29.3
No	152	77.6	70.7	83.2

Note: Unweighted counts (n's), weighted percentages, and weighted Confidence Intervals displayed for all responses

## Physical Assault

Over one-third of youth reported having ever been threatened with physical violence by another youth while in detention, and roughly 12 percent reported having ever been physically assaulted by another youth while in detention (Table 3). Of the 23 youth who reported being physically assaulted by another youth, 11 reported the assault occurred during the current stay in detention, 8 reported the assault occurred during a previous stay, and 4 reported being assaulted during both

the current and a previous stay in detention. This means that overall seven percent of youth were physically assaulted during the current stay in detention by another youth (data not shown).

**Table 3. Physical Assault**

	n	%	95% Confidence Interval	
<b>Assault by Youth</b>				
Another youth ever threatened to hit, punch, or assault you while in detention?				
Yes	70	34.2	27.5	41.5
No	128	65.9	58.6	72.5
Ever been hit, punched, or assaulted by another youth while in detention?				
Yes	23	11.6	7.6	17.3
No	175	88.4	82.7	92.4
If yes, did the violence happen during...				
This stay	11			
A previous stay	8			
Both	4			
<b>Assault by Staff</b>				
Staff member at any detention facility ever threatened to hit, punch, or assault you?				
Yes	14	6.3	3.7	10.8
No	184	93.7	89.2	96.4
Staff member at any detention facility ever hit, punched, or assaulted you on purpose?				
Yes	4	1.8	0.4	4.7
No	194	98.2	95.1	99.4
If yes, did the violence happen during...				
This stay	2			
A previous stay	2			
Both	0			

Note: Unweighted counts (n's), weighted percentages, and weighted Confidence Intervals displayed for all responses

Over six percent of youth reported having ever been threatened with physical violence by a staff member while in detention, and nearly two percent report having ever been physically assaulted by staff while in detention (Table 3). Of the four youth who reported being physically assaulted by staff, two reported the assault occurred during the current stay in detention, and two reported the assault occurred during a previous stay. This means that overall one percent of youth were physically assaulted during the current stay in detention by staff (data not shown).



## Sexual Assault

### *History of Sexual Assault*

To determine history of sexual assault, youth were asked “Before this stay in detention, have you ever been forced to have sexual contact with someone else?” Nine percent of youth reported a history of sexual assault (Table 4). Among those reporting a history of sexual assault, 76 percent reported being assaulted two or more times.

**Table 4. Sexual Assault**

	n	%	95% Confidence Interval	
<b>Assault History</b>				
Before this stay in detention, ever forced to have sexual contact with someone?				
Yes	18	8.9	5.5	14.1
No	177	91.1	85.9	94.5
If yes, how many times were you forced to have sexual contact with someone?				
Once	5			
Two or more	13			
<b>Assault by Youth</b>				
Ever been approached for unwanted sexual contact by another youth while in detention?				
Yes	5	2.2	0.6	5.3
No	189	97.9	94.7	99.2
If yes, were you approached during...				
This stay	2			
A previous stay	2			
Both	1			
Ever had any kind of sexual contact with another youth while in detention?				
Yes	4	1.8	0.4	4.8
No	191	98.2	95.0	99.4
If yes, did the sexual contact happen during...				
This stay	1			
A previous stay	2			
Both	0			
<b>Assault by Staff</b>				
Ever been approached for unwanted sexual contact by a staff member while in detention?				
Yes	3	1.6	0.3	4.8
No	170	98.4	94.8	99.5
If yes, were you approached during...				
This stay	2			
A previous stay	0			
Both	0			
Ever had any kind of sexual contact with a staff member while in detention?				
Yes	3	1.6	0.3	4.7
No	174	98.5	94.9	99.5
If yes, did the sexual contact happen during...				
This stay	0			
A previous stay	2			
Both	0			

**Table 4 (continued). Sexual Assault**

	n	%	95% Confidence Interval	
<b>Prevalence of Sexual Assault</b>				
Since you have been at this detention facility, ever been forced or pressured in some way to have sexual contact with another youth or staff?				
Yes	1	0.4	0.0	2.6
No	194	99.6	97.5	100.0
If yes, who forced or pressured you to have sexual contact?				
Another youth	1			
Staff member	0			
Both	0			

Note: Unweighted counts (n's), weighted percentages, and weighted Confidence Intervals displayed for all responses

### *Sexual Contact with Youth*

Approximately two percent of youth reported being approached for unwanted sexual contact by another youth while in detention (Table 4). Of the five youth who reported being approached, two reported being approached during the current stay in detention, two reported being approached during a previous stay, and one reported being approached during both the current and a previous stay in detention. This means that overall one percent of youth were approached for unwanted sexual contact during the current stay in detention by another youth (data not shown).

Similarly, two percent of youth reported having any kind of sexual contact (including consensual) with another youth while in detention (Table 4). Of the four youth who reported sexual contact, one reported the sexual contact occurred during the current stay in detention, two reported the sexual contact occurred during a previous stay, and one did not answer the follow-up question. This means that overall 0.3 percent of youth had sexual contact with another youth during the current stay in detention (data not shown).

### *Sexual Contact with Staff*

Roughly two percent of youth reported being approached for unwanted sexual contact by staff (including volunteers, teachers, and counselors) while in detention (Table 4). Of the three youth who reported being approached, two reported being approached during the current stay in detention, and one did not answer the follow-up question. This means that overall 0.7 percent of youth were approached for sexual contact by staff during the current stay in detention (data not shown).

A similar proportion of youth reported having sexual contact with staff while in detention (Table 4). Of the three youth who reported sexual contact, all reported the contact occurred during a previous stay in detention.

### *Prevalence of Sexual Assault*

To determine the prevalence of sexual assault, youth were asked “Since you have been at this detention facility, have you ever been forced or pressured in some way to have sexual contact with another youth or staff?” One youth reported being sexually assaulted (Table 4).

- This means that overall 0.4 percent (95 percent CI: 0.0-2.6)\* of youth were sexually assaulted during the current stay in detention.

### *Assault Profile*

The sexual assault victim reported being assaulted by another youth in the first week after intake (data not shown). The assault took place in the bathroom between noon and 6:00 pm, and the victim reported being forced or pressured via threats of physical harm, repeated asking for sexual contact, and through other unspecified methods. The victim reported physical injuries from the assault such as bruises, black eye, sprains, cuts, scratches, swelling or welts, and chipped or knocked out teeth. The assault was reported to a person outside the facility other than those specified in the questionnaire (see appendix A).

### *Victim Profile*

The assault victim was a 15-year old bisexual female. At the time of the assessment she had been in detention for 15 days on a probation violation, with a history of 15 previous stays in detention. No gang association was reported, and the charge was not a Measure 11 offense. The victim also reported being threatened with physical assault while in detention by another youth and by staff, and being physically assaulted by another youth during a previous stay in detention. An extensive—more than 10 forced contacts—history of sexual assault was reported, and all responses to sexual assault survey items were consistent with the report of sexual assault during the current stay in detention.

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\* 95 percent CI: 0.002-2.553

## Summary and Next Steps

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The prevalence of sexual assault in Oregon’s juvenile detention facilities is approximately 0.4 percent (95 percent CI: 0.00-2.6).<sup>\*</sup> Given there was only one current report of sexual assault in the assessed facilities, no statistical modeling of factors associated with vulnerability to sexual assault could be performed. However, an extensive demographic and detention stay profile of the one victim is provided in this report. In addition, the survey included items on history of sexual assault and threat of physical and/or sexual assault by youth and staff while in detention. Given that both a history of sexual assault and physical assault were strong predictors of sexual assault within Oregon’s youth correctional facilities,<sup>6</sup> future studies may want to examine the factors associated with youth reporting these occurrences. Early identification of youth at risk of sexual assault while in detention may allow for safer placement of those youth and ultimately the reduction or elimination of such assault in juvenile detention facilities.

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<sup>\*</sup> 95 percent CI: 0.002-2.553

<sup>6</sup> *Oregon Youth Authority (OYA) PREA Report: Characteristics associated with youth being sexually victimized*. 2013. Oregon Department of Corrections, Research, Evaluation and Projects.