

FORM **SSV-5**
(4-17-2020)**SURVEY OF SEXUAL VICTIMIZATION, 2019****State Juvenile Systems
Summary Form**U.S. DEPARTMENT OF JUSTICE
BUREAU OF JUSTICE STATISTICS
AND ACTING AS COLLECTION AGENT
U.S. DEPT. OF COMMERCE
U.S. CENSUS BUREAU**DATA SUPPLIED BY**

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Title

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New York Office of Children & Family Services

*(Please correct any error in name, mailing address, and ZIP Code)***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.

- **INCLUDE** State-operated juvenile residential facilities such as: 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 residential treatment centers for juveniles.
- **EXCLUDE** privately operated facilities and facilities operated or administered by local governments. (These facilities will be contacted directly for data on sexual victimization.)

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 January 1, 2019, and December 31, 2019.

- **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.

Reporting instructions:

- Please complete the entire SSV-5 Form.
- If the answer to a question is "not available" or "unknown," write "DK" (do not know) in the space provided.
- If the answer to a question is "not applicable," write "NA" in the space provided.
- Section I: when exact numeric answers are not available, provide estimates and mark (X) the box beside each figure.
- Sections II, III, and V: if the answer to a question is "none" or "zero," write "0" or mark the box (X) provided.

Substantiated incidents of sexual violence:

- Please complete an Incident Form (Juvenile, SSV-IJ) for each substantiated incident of sexual victimization.

Returning forms:

- If you need assistance, please call the **U.S. Census Bureau** toll-free at **1-800-253-2078** or email **greta.b.clark@census.gov**
- **Please return your completed summary and substantiated incident forms by November 30, 2020.**
- **You may complete these forms online (see enclosed instructions). Or if you prefer, you may return these forms by mail or fax.**
- **MAIL TO:** U.S. Census Bureau, P.O. Box 5000, Jeffersonville, IN 47199-5000
- **FAX (TOLL FREE): 1-888-262-3974**

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 60 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, NW, 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;

OR

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

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

- Non-criminal purposes (neglect, abuse, abandonment, or dependency);

OR

- Being Persons in Need of Services (PINS) or Children in Need of Services (CHINS) who have assigned beds for reasons other than offenses.

SECRET - GENERAL INFORMATION

1. On December 31, 2019, how many facilities operated by your State held juveniles or youthful offenders CHARGED WITH or COURT-ADJUDICATED FOR AN OFFENSE?

Number of facilities 13

- 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 December 31, 2019, how many persons held in the facilities reported in Item 1 were

a. Males 206

b. Females 50

c. TOTAL (Sum of Items 2a and 2b) 256

- Count persons held in the facilities reported in Item 1 regardless of age or reason for placement. Include persons who were temporarily away but had assigned beds on December 31, 2019.

3. On December 31, 2019, how many persons held in the facilities reported in Item 1 were

a. Age 17 or younger 230

b. Age 18 to 20 26

c. Age 21 or older 0

d. TOTAL (Sum of Items 3a through 3c should equal Item 2c) 256

- Count all persons held in the facilities reported in Item 1 regardless of age or reason for placement. Include persons who were temporarily away but had assigned beds on December 31, 2019.

4. Between January 1, 2019, and December 31, 2019, how many persons were admitted to or discharged from the facilities reported in Item 1?

a. TOTAL number admitted 365

b. TOTAL number discharged 329

- 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.

DEFINITIONS

The survey utilizes the definition of "sexual abuse" as provided by 28 C.F.R. §115.6 in the *National Standards to Prevent, Detect, and Respond to Prison Rape* (under the Prison Rape Elimination Act of 2003). Attempted nonconsensual sexual acts are included if recorded by the facility. For purposes of SSV, sexual abuse is disaggregated into three categories of youth-on-youth sexual victimization. These categories are:

NONCONSENSUAL SEXUAL ACTS

Sexual 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 vulva or the penis and the anus, including penetration, however slight;

OR

- Contact between the mouth and the penis, vulva, or anus;

OR

- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

ABUSIVE SEXUAL CONTACT

Sexual 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.
- EXCLUDE incidents in which the contact was incidental to a physical altercation.

SEXUAL HARASSMENT

Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth directed toward another.

5. Does your State juvenile system record allegations of youth-on-youth NONCONSENSUAL SEXUAL ACTS?

Yes → a. Do you record all reported occurrences, or only substantiated ones?

- All
- Substantiated only

b. Do you record attempted NONCONSENSUAL SEXUAL ACTS or only completed ones?

- Both attempted and completed
- Completed only

No → Please provide the definition used by your State juvenile system for youth-on-youth NONCONSENSUAL SEXUAL ACTS in the space below. Use that definition to complete Items 6 and 7.

6. Between January 1, 2019, and December 31, 2019, how many allegations of youth-on-youth NONCONSENSUAL SEXUAL ACTS were reported?

Number reported 2 None

- If an allegation involved multiple victimizations, count only once.
- Exclude any allegations that were reported as consensual.

7. Of the allegations reported in Item 6, how many were (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)

a. Substantiated 1 None

- The event was investigated and determined to have occurred, based on a preponderance of the evidence (28 C.F.R. §115.72).

b. Unsubstantiated 0 None

- The investigation concluded that evidence was insufficient to determine whether or not the event occurred.

c. Unfounded 1 None

- The investigation determined that the event did NOT occur.

d. Investigation ongoing 0 None

Evidence is still being gathered, processed or evaluated, and a final determination has not yet been made.

e. TOTAL (Sum of Items 7a through 7d) 2 None

- The total should equal the number reported in Item 6.

8. Does your State juvenile system record allegations of youth-on-youth ABUSIVE SEXUAL CONTACT? (See definitions on page 3.)

Yes → **Can these be counted separately from allegations of NONCONSENSUAL SEXUAL ACTS?**

Yes

No → Skip to Item 11.

No → Please provide an explanation in the space below and then skip to Item 11.

9. Between January 1, 2019, and December 31, 2019, how many allegations of youth-on-youth ABUSIVE SEXUAL CONTACT were reported?

Number reported 16 None

- If an allegation involved multiple victimizations, count only once.
- Exclude any allegations that were reported as consensual.

10. Of the allegations reported in Item 9, how many were - (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)

a. Substantiated 6 None

b. Unsubstantiated 4 None

c. Unfounded 6 None

d. Investigation ongoing 0 None

e. TOTAL (Sum of Items 10a through 10d) 16 None

- The total should equal the number reported in Item 9.

11. Does your State juvenile system record allegations of youth-on-youth SEXUAL HARASSMENT? (See definitions on page 2.)

Yes → **Do you record all reported allegations or only substantiated ones?**

All

Substantiated only

No → Please provide an explanation in the space below and then skip to Section III.

12. Between January 1, 2019, and December 31, 2019, how many allegations of youth-on-youth SEXUAL HARASSMENT were reported?

Number reported 15 None

- If an allegation involved multiple victims or youth perpetrators, count only once.
- Exclude any allegations that were reported as consensual.

13. Of the allegations reported in Item 12, how many were - (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)

a. Substantiated 7 None

b. Unsubstantiated 8 None

c. Unfounded 0 None

d. Investigation ongoing 0 None

e. TOTAL (Sum of Items 13a through 13d) 15 None

- The total should equal the number reported in Item 12.

DEFINITIONS

The survey utilizes the definition of "sexual abuse" by a staff member, contractor or volunteer as provided by 28 C.F.R. §115.6 in the *National Standards to Prevent, Detect, and Respond to Prison Rape* (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is disaggregated into two categories of staff-on-youth sexual abuse. These categories are:

STAFF SEXUAL MISCONDUCT

Any behavior or act of a sexual nature directed toward a youth by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friend or other visitors).

Sexual relationships of a romantic nature between staff and youths are included in this definition. Consensual or nonconsensual sexual acts include—

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire;

OR

- Completed, attempted, threatened, or requested sexual acts;

OR

- Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

STAFF SEXUAL HARASSMENT

Repeated verbal comments or gestures of a sexual nature to a youth by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors). Include—

- Demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing;

OR

- Repeated profane or obscene language or gestures.

14. Does your State juvenile system record allegations of STAFF SEXUAL MISCONDUCT?

01 Yes → **Do you record all reported occurrences, or only substantiated ones?**

01 All

02 Substantiated only

02 No → *Please provide an explanation in the space below and then skip to Item 17.*

15. Between January 1, 2019, and December 31, 2019, how many allegations of STAFF SEXUAL MISCONDUCT were reported?

Number reported 15 None

- If an allegation involved multiple victimizations, count only once.

16. Of the allegations reported in Item 15, how many were *(Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)*

a. **Substantiated** 0 None

b. **Unsubstantiated** 6 None

c. **Unfounded** 9 None

d. **Investigation ongoing** 0 None

e. **TOTAL** (Sum of Items 16a through 16d) 15 None

- The total should equal the number reported in Item 15.

17. Does your State juvenile system record allegations of STAFF SEXUAL HARASSMENT? (See definitions on page 5.)

01 Yes → Can these allegations be counted separately from allegations of STAFF SEXUAL MISCONDUCT?

01 Yes

02 No → Skip to Item 20.

02 No → Please provide an explanation in the space below and then skip to Item 20.

18. Between January 1, 2019, and December 31, 2019, how many allegations of STAFF SEXUAL HARASSMENT were reported?

Number reported 12 None

- If an allegation involved multiple victims or staff, count only once.

19. Of the allegations reported in Item 18, how many were - (Please contact the agency or office responsible for investigating allegations of sexual victimization in order to fully complete this form.)

a. Substantiated 3 None

b. Unsubstantiated 5 None

c. Unfounded 4 None

d. Investigation ongoing 0 None

e. TOTAL (Sum of Items 19a through 19d) 12 None

- The total should equal the number reported in Item 18.

SECTION IV - PRIVATE AND LOCAL ALCATIONS

20. Did any of the allegations reported in Items 6, 9, 12, 15, or 18 occur in a privately operated facility?

01 Yes

02 No

21. Did any of the allegations reported in Items 6, 9, 12, 15, or 18 occur in a facility operated or administered by local governments?

01 Yes

02 No

SECTION V - TOTAL SUBSTANTIATED INCIDENTS OF SEXUAL VICTIMIZATION

22. What is the total number of substantiated incidents reported in Items 7a, 10a, 13a, 16a, and 19a?

Total substantiated incidents 17 None

→ Please complete a Substantiated Incident Form (Juvenile, SSV-IJ) for each substantiated incident of sexual victimization.

NOTES