

47158

SEXUAL ASSAULT IN INSTITUTIONS

Linda J. Skinner

Most professionals in the field are aware of the existence of sexual assault in institutions such as correctional facilities, mental institutions, general hospitals, and schools. However, a review of the literature would lead to the conclusion that sexual assault within institutions is restricted almost entirely to correctional institutions, with the majority of institutional assaults occurring in male institutions.

Since the late 1960's and primarily the early 1970's, sexual conduct, both consensual and nonconsensual, has been the focus of numerous articles. However, the level of knowledge about sexual assaults in institutions is currently at about the same level that knowledge about rape in general was in the late 1960's. People are just now beginning to pay attention to sexual assaults in institutions. However, as noted, most of this attention is directed at assaults in male correctional facilities.

Some parallels exist between sexual assaults in institutions and such assaults in general. For example, their actual incidence in juvenile and adult correctional facilities is unknown. Yet the reported rate is believed by some to be a great underestimate. Carroll (1974) reported that the number of documented sexual assaults occurring during a one-year period at a maximum security prison was four. However, inmates at the institution indicated that the actual number of sexual assaults was closer to 50.

From June, 1966, through July, 1968, 96 sexual assaults in the Philadelphia prison system and sheriff's vans were reported to prison authorities (Davis, 1968). Of these, only 64 were mentioned in prison records. In contrast, it was estimated by investigators studying the assaults that about 2,000 sexual assaults had occurred during that period.

The discrepancy between the reported and the actual number of sexual assaults within prisons parallels the discrepancy in reporting of noninstitutional cases and is explained by many of the same reasons. That is, sexual assault victims within correctional institutions choose not to report out of fear of retaliation, disgrace, and a belief that institution officials are helpless or choose not to correct the condition (Carroll, 1974; Davis, 1968; Scacco, 1975). For example, of the 64 sexual assaults that were mentioned in the Philadelphia prison records, only 40 resulted in disciplinary actions and only 26 were reported to the police for prosecution (Davis, 1968).

As was true of the initial research on sexual assault victims in general, one of the early directions of study of institutional sexual assault is on victim characteristics, where efforts have been directed at identifying personal characteristics shared by such victims. It has been reported that the prison victims generally look young for their age, are less athletic, less physically coordinated, more physically attractive, and less prisonized than other inmates (Davis, 1973; Kirkham, 1971). Additionally, prison sexual assault victims usually have no prior history of homosexual behavior (Kirkham, 1971) and the majority are white (Bartollas, Miller, & Dinitz, 1974; Scacco, 1975).

Sexual assault is currently perceived as more an aggressive than sexual act. A similar position has been forwarded with regard to sexual assaults in prisons. It is asserted that the institutional culture fosters the expression of aggressive behavior and ethnic hostility and that this expression is often in the form of crucial sexual interaction and is a form of punishment and debasement (Bartollas, Miller, & Dinitz, 1974; Sagarin & MacNamara, 1975; Scacco, 1975). The observation that the majority of sexual assaults noted in official records and reported by inmates involve Black aggressors and white victims is presented as evidence for this position (Carroll, 1974; Scacco, 1975).

While the short and long term effects of sexual assault on victims in general has received increasing attention, almost no research has investigated the residual effects of sexual victimization on prison inmates. In the only such study available in the published literature, Sagarin (1976) interviewed four male victims and five aggressors. The post-prison sexual behavior of the aggressors was reported to be heterosexual, but marked by some increased violence and a greater tendency toward brutality. The post-prison sexual behavior of the victims was reported to be homosexual. The generalizability of these findings is very limited, considering the manner in which the subjects were solicited. However, the results do underscore the need to investigate the effects of sexual victimization in correctional institutions.

Some of the difficulties that plague research on sexual assault in general also handicap investigations of sexual assaults in institutions. Problems with inadequate sampling procedures are compounded by a general inability for researchers to gain easy access to prison populations.

Until the last few years, the reaction of the criminal justice system and of society at large to sexual assaults in correctional facilities has been one of inaction at best. In fact, Carroll (1974) suggests that prison reforms have fostered rather than eliminated sexual assaults. However, since the early 1970's sexual assaults in correctional institutions have come to the attention of the courts. Danziger (1971) suggests that the decision of the Supreme Court in Holt v. Sarver that confinement under inhumane conditions is cruel and unusual punishment may lead to the recognition of conditions and practices in correctional facilities that foster sexual assaults as cruel and unusual punishment.

The occurrence of sexual assaults in prisons has been the basis of two other decisions which may have far-reaching consequences. Both a Michigan Court of Appeals in the case of People v. Harmon and a California Court of Appeals in the case People v. Lovercamp, ruled that imminent sexual assault can be a defense to the crime of escape from prison (Berger, 1975; Gardner, 1975; Gilman, 1976; The People v. Marsha Lovercamp, 1974; Zeichner, 1975). In both of these cases, inmates escaped from correctional facilities following repeated threats of sexual assault. Subsequent cases based on such a right to escape have not been found in the literature, nor have Courts of Appeals in other states been presented with similar cases.

As noted earlier, sexual assaults in institutions other than prisons or juvenile facilities are rarely discussed. Two articles consider sexual assault or accusations of sexual assault in a general hospital (Cohen, 1964)

and in a psychiatric hospital (Deucher, Maxmen, & Karasu, 1975). Both focus on the importance of a predetermined plan involving legal, administrative, medical, and nursing personnel for dealing with accusations. The failure of having such a plan is described by Deucher, et al. (1975). Neither article expresses much concern for the victim or for the prevention of such assaults.

Careful attention to sexual assault in institutions is relatively rare and the research is sparse. Despite the difficulty of getting institutions to cooperate, there is a need to gather information including incidence rates, effects on the victim and the institution, and effective procedures for preventing and dealing with such incidents.

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