

Sexual Assault

Sexual Assault

*The Victims, the Perpetrators,
and the Criminal Justice System*

Second Edition

Edited by

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and

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*To the memory of my parents—
Francis and Pauline. FPR*

*To my best friend and husband, Lyle;
my wonderful scholar athlete, Jarrett;
my intelligent precious princess, Emma;
and my smart sweet Cole-Bear.
Your support and love make everything possible. BWK*

Contents

Preface	xvii
Acknowledgments	xxiii

Part I The Crime

Chapter 1 • An Overview of Sexual Assault and Sexual Assault Myths	3
What Is Sexual Assault?	4
Sexual Assault Statistics	6
Incidence and Prevalence among Sexual Assault Victims	6
Offender Characteristics	7
Problems with Rape Statistics	8
The History of Sexual Victimization	9
The Law and Rape	9
Slavery and Rape	11
War and Rape	11
Rape Myths	12
Traditional Rape Myths	14
The Majority of Rape Claims Are False	14
Rape Only Happens to “Bad” Women	15
The Majority of Rapes Are Committed by a Stranger	16
Rape Is a Black-on-White Crime	17
Women Secretly Wish to Be Raped	18
When a Woman Says “No” to Sex, She Really Means “Yes”	18
Rapists Are Mentally Ill	19
Non-Traditional Rape Myths	19
Men Cannot Be Victims of Rape	19
Rape Is Strictly Limited to Interactions between Humans	20
Conclusion	20
References	21
Special Feature—Letter to the Editor: Silence is Damaging	25

Chapter 2 • Sexual Assault Definitions	27
A General Definition of Female Rape	27
General Rape	28
Numerous Ways to Define Rape	28
Rape by Criminal Law v. Civil Law	33
Rape in the Civil Law Context	36
Stranger Rape—A Stereotypical Definition	37
Intimate (Date) Rape	38
Spousal Rape	41
Group Rape and Gang Rape: Rape Defined by Number of Perpetrators	43
Rape Defined as a War Crime	48
Conclusion	50
References	50
Chapter 3 • Two Crimes for the Price of One: A Comprehensive Overview of Drug-Facilitated Sexual Assault	55
Introduction	55
Definition of Drug-Facilitated Sexual Assault (DFSA)	56
Estimates of DFSA in the United States	58
Offender Characteristics: How and Why Do They Do It?	59
Effects of Drug-Facilitated Sexual Assault on the Victims	60
Substances Used in the Facilitation of Rape/Sexual Assault	61
An Old Game with a New Twist	61
Date Rape Drugs	61
Rohypnol®	61
GHB	63
Ketamine	64
Alcohol	64
Additional Drugs Associated with DFSA	66
Challenges to Medical Personnel, Investigators and Prosecution	68
Conclusion	70
References	70
Part I: The Crime	73
Suggested Questions, Activities and Videos	73

Part II
The Victims

Special Feature—In the Words of a Rape Survivor	77
Chapter 4 • Victim Response to Sexual Assault	79
Introduction	79
Coping Behaviors at the Time of the Assault	79
Response after the Assault	82
Rape-Related Posttraumatic Stress Disorder	83
Attribution	85
Self-Blame	85
External Blame	87
Coping Strategies after the Assault	87
Minimization	88
Cognitive Coping	88
Avoidance	88
Religious Coping	89
Nervous/Anxious Coping	89
Withdrawal	89
Taking Precautions	89
Expressive Strategies	90
Stress Reduction Techniques	90
Self-Destructive Strategies	90
Finding Positive Meaning	91
Child Sexual Abuse or Prior Sexual Assault and Coping	92
Recovery from Sexual Assault	92
Acute/Impact Phase	93
Outward Adjustment Phase	94
Depression Phase	94
Integration and Resolution Phase	95
Seeking Help	96
Crisis Intervention	97
Victims' Basic Needs during Crisis Intervention	100
Conclusion	106
References	107
 Chapter 5 • The Ripple Effect: Secondary Sexual Assault Survivors	 113
Introduction	113
Healing and Stages of Recovery	114
Trauma Awareness Phase	114

Crisis and Disorientation Phase	115
Outward Adjustment Phase	115
Reorganization Phase	116
Integration and Resolution Phase	117
Partner Response	117
Family Response	120
Children	122
Response of Friends	123
Support for Secondary Victims	125
Victim Advocate and Counselor Trauma	126
Conclusion	127
References	129
Chapter 6 • Sexual Abuse of Males	133
References	138
Special Feature—Guidelines for Helping Sexual Assault Victims	141
Special Feature—Guidelines for Taking Care of Yourself: When a Friend or Family Member Discloses a Sexual Assault to You	143
Part II: The Victims	145
Suggested Questions, Activities and Videos	145
Part III	
The Often Unacknowledged Victims	
Chapter 7 • Sexual Abuse of Men in Prisons	149
Introduction	149
Sexual Violence as Power and Social Status: The Misnomer of Homosexual Rape	150
Perpetrators and Victims: Homosexual Conversion, Homosexual Rape, and Sexual Harassment	151
Sex for Trade	154
The Dark Figure of Sexually Violent Crime in Prison	156
Considerations for Sexual Violence among Male Inmates	158
The Prison Rape Elimination Act (PREA) of 2003	159
Solutions and Conclusions	162
References	164

Chapter 8 • A Violation of Trust and Professional Ethics: Sexual Abuse of Women Prisoners by Correctional Staff	167
Introduction	167
Background	168
Defining the Problem	170
The Problem of Assessing the Magnitude of the Problem	172
The Promise and Challenges of PREA	174
References	176
Chapter 9 • Child Sexual Abuse	181
Introduction	181
Types of Child Sexual Abuse	182
How Prevalent Is Child Sexual Abuse?	183
Quantifying Incidents of Child Sexual Abuse: The Challenges	183
Quantifying Incidents of Child Sexual Abuse: The Data	185
Signs of Child Abuse	186
Consequences of Child Sexual Abuse	188
Significant Court Decisions and Restorative Justice	190
Help for Victims	193
References	194
Chapter 10 • Reading Incest: Interpreting Signs of Victimization and Family Dysfunction in One Survivor's Account	197
Special Feature	211
Incest Victim Caught in Justice-System Trap	211
Chapter 11 • Critical Need for Effective Criminal Justice and Public Health Responses in Preventing Elderly Sexual Abuse	213
Introduction	213
Part One: The Nature and Extent of Elderly Sexual Abuse	214
Part Two: Criminal Justice and Public Health Approaches to Elderly Sexual Abuse	215
Criminal Justice Approaches	216
Mandatory Reporting	216
Protective Services	217
Triad Programs	217
Public Health Approaches	218
Public Health, Epidemiology, and Epidemiologists	218
Implementing Public Health Approaches	219

(1) Define the Health Problem	221
(2) Identify Risk Factors Associated with the Problem	221
(3) Develop and Test Community-Level Interventions to Control or Prevent the Cause of the Problem	222
(4) Implement Interventions to Improve the Health of the Population	222
(5) Monitor Interventions to Assess their Effectiveness	223
Part Three: Policy Implications	223
Sentencing Enhancements	224
Civil Law Suits and Mandatory Reporting Laws	224
Public Health Approaches	227
References	230
Part III: The Often Unacknowledged Victims	235
Suggested Questions, Activities and Videos	235
Part IV	
The Offenders	
Chapter 12 • Sex Offenders and Child Molesters	239
Introduction	239
Sex Offender	240
Motivational Typologies	241
Profiles of Specific Rapists	244
General Picture	247
Offender Specialization and Escalation	248
Planning and Spontaneity	248
Situational Elements and Circumstances	248
Stranger Rape	249
Acquaintance Rape	250
Date Rape	250
Marital Rape	252
Child Molesters	254
Classification of Child Molesters	254
Conclusion	261
References	262
Chapter 13 • Juvenile Sex Offenders: Issues of Definition and Treatment	267
Introduction	267
The Problem of Juvenile Sex Offending	268

The Context of Child Sexual Offending	269
Profile of Juvenile Sex Offenders	270
Juvenile Sex Offenders Compared to Other Juvenile Offenders	271
Comparison of Juvenile Male to Juvenile Female Sex Offenders	272
Prosecution for Sexual Offenses and Sex Offender Registration	273
Risk of Reoffending	274
Treatment of Juvenile Sex Offenders	276
Sexting: A New Class of Juvenile Sexual Offenders	278
Conclusions	279
References	280
Chapter 14 • Sex Offender Treatment: What Works, Who Works, and New Innovative Approaches	285
Introduction	285
General Overview and Characteristics of Sex Offender Treatment and Management	286
Sex Offender-Specific Treatment Model	286
The Role of Assessment in Sex Offender Treatment	290
Polygraph	290
Penile Plethysmograph	290
ABEL Assessment of Sexual Interests	291
Criminal Justice Assessments	291
Ethical Issues in Sex Offender-Specific Treatment	291
Heterogeneity of Sex Offenders	292
Sex Offender Treatment Strategies	293
Pharmacological Approaches	293
Anti-Androgen Medications	293
Anti-Depressant Medications	293
Cognitive Behavioral Approaches	294
Relapse Prevention and Other Adjunctive Therapies	294
What Works? Effective Treatment Strategies	295
Other Important Research Insights	299
Who Works? Treatment and Therapist Styles	300
The Role of Community Supervision in Sex Offender Treatment	300
Prison-Based Treatment for Sex Offenders	301
The Future of Sex Offender Treatment	305
References	306
Part IV: The Offenders	315
Suggested Questions, Activities and Videos	315

Part V
The Criminal Justice System

Chapter 15 • A Brief History of Rape Law and Rape Law Reform in the United States	319
Introduction	319
Non-Consent and the Use of Force	321
The Act of Rape and the Gender of the Victim	323
Rape Statutes—Providing Options and Looking at the Punishment	324
Corroboration	325
Cautionary Instructions	325
The Marital Exception	326
Rape Shield Statutes	327
Hate Crimes	328
The Effectiveness of Rape Law Reform	330
Changing Times, New Reforms	330
Conclusion	330
References	332
Special Feature	335
Acquittal of Husband Spurs Anger; Wife Accused Him of Raping Her	335
 Chapter 16 • Police and Victims of Sexual Assault	 337
Introduction	337
Police Process and Response to Sexual Assault Victims	338
Police Officer Discretionary Decisions: Legal and Extra-Legal Factors	340
Founding of a Rape	340
Decision to Investigate	342
Decision to Arrest	342
Extra-Legal Factors Affecting Police Decisions: Rape Myths and Secondary Victimization	343
False Allegations of Rape	344
Extent of False Allegations	344
Reasons for Making False Allegations of Rape	345
Identifying False Allegations of Rape	346
Victims' Perceptions of Police in Their Response to Sexual Assault Victims	346
Victims' Perceptions of Police Response	346
Reporting Sexual Assault Victimization to Police	348

Police Innovations in the Investigation of Sexual Assault	348
Training	349
Specialized Sexual Assault Policing Units	350
Coordinated Care Teams	350
Blind Reporting System	351
Citizen Oversight of Sexual Assault Investigations	352
Evaluation of Innovative Approaches	352
Police Guidelines on Approaching Victims of Sexual Assault	353
Conclusion	354
References	355
Special Feature	359
In the Words of a Police Officer	359
Special Feature	361
Report Exposes Lie Detector Tests That Await Some Ohio Rape Victims	361
Chapter 17 • Prosecution of Sex Crimes	365
Introduction	365
Prosecutorial Decision Making in Sexual Assault Cases	367
Prosecutorial Decision Making in Sexual Assault Cases: A Summary and Discussion	372
Rape Law Reform	374
Impact of Rape Law Reform	376
Conclusion	377
References	378
Special Feature	381
In the Words of a Prosecutor	381
Special Feature	385
Rape, Victimization and Advocacy: My Story	385
References	390
Special Feature	391
Probation Supervision of a Sex Offender Caseload: My Story	391
Part V: The Criminal Justice System	397
Suggested Questions, Activities and Videos	397

Part VI
Public Fear and the Legislative Response

Chapter 18 • Sex Offenders: The Social Narrative and Public Policy	
Implications	401
Introduction	401
The Role of the Media in the Social Narrative of Sex Offending	401
Misconceptions about Sex Offending That Lead to Flawed Public Policy	403
Sex Offender Treatment and Unintended Consequences	406
Sex Offenders and Human Rights	407
Sex Offender Laws: Do They Really Work?	408
Conclusion	409
References	411
Chapter 19 • Sex Offender Laws: Some Legislative Responses	413
Introduction	413
Registration Laws	415
Notification Laws	418
Sexual Predator Laws	420
Chemical Castration	422
Recent and Proposed Laws	423
Conclusion	424
References	424
Part VI: Public Fear and the Legislative Response	427
Suggested Questions, Activities and Videos	427
About the Contributors	429
Name Index	435
Subject Index	449

Preface

All it takes is to listen to the news and hear the recent stories of sexual abuse to know that sexual assault is an issue that raises many questions and concerns in the American public. We are all familiar with the cases that make headline news, but, in the world of sexual assault, the high profile cases are the rarest, and the daily business of those sex crimes that come to the attention of the criminal justice system are usually left to be done outside of much of the general public's notice.

This book attempts to fill a gap in our academic literature regarding rape, sexual assault, and in specific, the response of the criminal justice system to sex crimes. However, as the criminal justice system does not exist outside of our society, we felt it imperative to broaden the scope of the reader as well, and to include information designed to educate about the widely misunderstood crime of rape. That is why we included information about rape myths, the history of rape reform and an examination of sexual assault definitions.

Before we begin discussion of an overview of the reader we would like to make a couple of observations. First, the words rape and sexual assault are used almost interchangeably by the authors in the following chapters. That is how it is in our society as well. 'Rape' is still a crime in several states, though other states have changed the language in their criminal codes to something broader, such as 'sexual assault' or 'sexual battery'.

Secondly, most victims of sex crimes are women, and many authors chose to use the feminine pronoun in their articles when referring to victims, and the masculine pronoun when referring to offenders. Again, this was done to reflect the statistical findings that most known sex offenders are men. However, we believe that it was imperative to address the issue of male rape victims in this reader. There are several chapters, which will be discussed below, which address male victimization. Thus, we are not overlooking either male rape victims or female offenders, we are making sure that we represent a statistical reality.

And finally, we wanted to address the issue of the terms 'victims' and 'survivors'. As you will no doubt note, they are used interchangeably as well through-

out and within the various chapters. We did not ask the authors to follow any guidelines in their word selection, though some addressed the issue in their writings. The reason we did this, is because this work is designed to bring the reader into the criminal justice arena. In that arena, police, prosecutors and other employees of the criminal justice system, deal with victims of crime and those who victimize others. Victimology, and the study of crime victims, is a relatively new academic component of criminal justice. We did not think it would be right to change the system phraseology. Yet, those same employees of the criminal justice system deal with the survivors of a sexual assault as well. Though some of the literature suggests that survival is a state of recovery to be achieved, we do subscribe to the belief that if you live through a sexual assault—you are a survivor.

The following discusses the various elements of this text. Disbursed throughout the book are special features that emphasize and support the reality of the factual discussions.

Part I

The Crime

In part one, the reader is acquainted with the crime of rape and sexual assault. The first chapter, *An Overview of Sexual Assault and Sexual Assault Myths*, presents a look at the definitions, contradictions and statistics regarding sexual assault. The incidence and prevalence of rape are examined, and are followed with a discussion of the problems associated with an examination of rape statistics. The chapter also includes a brief history of sexual victimization, which sets the stage for much that follows in the reader. The chapter concludes with a comprehensive look at rape myths.

The second chapter *Sexual Assault Definitions* provides a general definition of rape, and offers a discussion of the parameters associated with trying to define rape. The chapter also narrows to a thorough discussion of stranger rape, intimate (date) rape, spousal rape, and group and gang rape. The third chapter *Two Crimes for the Price of One* examines the timely issue of the use of drugs as a facilitator in sexual assaults.

Part II

The Victims

In part two, the reader becomes acquainted with rape victimology. Chapter Four, *Victim Response to Sexual Assault* is a thorough examination of the variety of responses and coping mechanisms that survivors often experience. In addition, the chapter discusses recovery from sexual assault, seeking help and crisis intervention. Chapter Five, *The Ripple Effect: Secondary Sexual Assault Survivors*, presents an overview of the others who are impacted by a sexual assault: partners, family, and friends of the survivor. Chapter Six, *Sexual Abuse of Males*, examines male rape victims and discusses the research which suggests that male victimology can be alike, and yet quite different from female victimology. The differing circumstances of male rape are also presented.

Part III

The Often Unacknowledged Victims

In part III, the reader is brought deeper into sexual assault victimology and those victim groups where we tend to see even greater underreporting are examined. Chapter Seven, *Sexual Abuse of Men in Prison*, examines the prevalence of inmate-on-inmate rape in institutions housing males. While presenting the statistics available, this chapter also includes narrative accounts from actual victims. Chapter Eight, *A Violation of Trust and Professional Ethics: Sexual Abuse of Women Prisoners by Correctional Staff*, examines the issues of female inmates who are victimized by institutional employees. Chapter Nine presents an overview of *Child Sexual Abuse*. Chapter Ten presents a moving account of one survivor's journey from victimization as a child to resolution in *Reading Incest: Interpreting Signs of Victimization and Family Dysfunction in One Survivor's Account*. Chapter Eleven, *Critical Needs for Effective Criminal Justice and Public Health Responses in Preventing Elderly Sexual Abuse*, presents an overview of sexual abuse of the elderly as well as some policy recommendations in dealing with this issue.

Part IV

The Offenders

Part four offers a comprehensive discussion of sex crime offenders. Chapter Twelve, *Sex Offenders and Child Molesters*, offers a thorough discussion of many aspects of those who rape. The chapter begins with a discussion of human behavior and motivation. The chapter continues with a discussion of sex offender typologies—the attempt to classify sex offenders into different groups based on their motivations, choice of victims and actions during the attack. This chapter also discusses classifications of child molesters. Chapter Thirteen, *Juvenile Sex Offenders*, discusses the delicate issue of youth that commit sex offenses against others including the extent of the problem, how juvenile sex offenders compare to other juvenile offenders and sexting, a new class of juvenile sex offenders. Chapter Fourteen, *Sex Offender Treatment, What Works, Who Works and New Innovative Approaches*, presents an overview of various treatment methods currently used with sex offenders.

Part V

The Criminal Justice System

Part five overviews the various components of the criminal justice system as they address the issues of sexual assault. Chapter Fifteen presents *A Brief History of Rape Law and Rape Law Reform in the United States*. This chapters offer a discussion of the roots of American rape law and the major changes in rape law that were initiated in the 1970s. This discussion will lead the reader into the chapters regarding police investigation, prosecutorial duties, and correctional treatment. Chapter Sixteen addresses issues regarding *The Police and Victims of Sexual Assault*. Chapter Seventeen examines why rape has historically been the most under prosecuted crime in *Prosecution of Sex Crimes*.

Part VI

Public Fear and Legislative Response

Part six addresses the legislative response to sexual assault. With public sentiment suggesting that the criminal justice system was failing in rehabilitating or incapacitating sex offenders, the legislature stepped in and created new laws

that would address this issue. Chapter Eighteen, *Sex Offenders, The Social Narrative and Public Policy Implications*, discusses the rational and effectiveness of recent public policy concerning sex offenders. Chapter Nineteen, *Sex Offender Laws: Some Legislative Responses*, presents an examination of the creation of registration, notification, sexual predator and chemical castration laws, to name a few. This chapter also addresses concerns expressed regarding the constitutionality of these laws.

Acknowledgments

Many people did a lot of work to make this book happen. We must start with acknowledging the contributions of the authors. The collection of authors in this book is, in a word, diverse. Our contributors include academicians, university students from Master's to Ph.D. level, practitioners in the field, and survivors of sexual assault. We did this because we believe that the collective voice needed to be heard. We especially wanted to give graduate students who have studied sexual assault a chance to speak to other students through this work. The common theme of all our contributors is that they believed that this work was important and that it needed to be done. They devoted their time, talent and energies to make this happen. The result is a reader that is exhaustive in its study of the topic of sexual assault. There are a wide variety of voices to be heard here—from survivors to those who work in the field every day, to those who study the field. The collective product is truly a reflection of their dedication.

We would like to acknowledge Carolina Academic Press for their support, and specifically Beth Hall, who kept us on task and offered us her support. From day one, Beth and Carolina Academic Press believed this was a work that needed to be done.

We would like to thank the University of Central Missouri for the support we receive regarding scholarly endeavors. We also thank Cynthia Adams, our graduate assistant, whose assistance on this project proved invaluable in the first edition.

And finally, we need to recognize the survivors of sexual assault and the people who work every day in any one of numerous capacities to seek justice, healing and hope for sexual assault survivors. We only hope that this work serves to enlighten about sexual assault and the people that it has touched. In addition, we hope this text promotes future research and encourages others to work and/or volunteer in the victimology arena.