

Forensic psychiatric evaluation of sexual crime cases

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Abstract

Objective: Sexual crimes are one of the most offensive crimes committed against individuals. Given that individuals from every age and both genders are affected from this action. In the USA, 20% of women and 5–10% of men exposes to sexual violence. It appears as a serious problem that threatens society and preventive measures have to be taken against it. It is an undeniable fact that; mental health seriously affected by sexual assaulted or abuse. In this study, we aimed to evaluate forensic psychiatric examination reports of the cases that are sending to examine whether or not any permanent psychiatric impairment after sexual assault or abuse.

Methods: Findings from examination of cases which are sent to Department of Forensic Medicine, Medical Faculty of Celal Bayar University between October 2012 and February 2014 for determining permanent psychiatric impairment were evaluated.

Results: Number of examined cases was 55 and number of diagnosed cases was 33. The age range of cases were from 7 to 77 years (SD=20.39±13.17). Of the cases; 57.6% (n=19) were younger than 18, 87.9% (n=29) were women, 63.7% (n=21) were simple sexual assaulted or abused, in the 72.8% offender was known by cases, in the 30.3% (n=10) crime happened at the home of offender or case. As a result of forensic psychiatric evaluation, in the %30.3 of cases (n=10) were detected permanent psychiatric impairment.

Conclusion: Examination of cases has to be performed scrupulously because, permanent psychiatric impairment by sexual crimes, not only negatively affect case his/her social environment but also it is a country's laws punishment-enhancing factor.

Key words: Sexual assault, sexual abuse, mental health, forensic psychiatry

Introduction

Sexual crimes are one of the most offensive crimes committed against individuals. Given that individuals from every age and both genders are affected from this action. It is the most rapidly increasing kind of crime among violent crimes (1, 2). In a study, it was reported that 32,3% of women and 14,2% of men are exposed to sexual assault and in this study, under 18 year of age 39,9% of women and 32% of men are exposed to sexual assault (3).

It has been reported that in the majority of sexual assault cases, physical finding were not present, and hence psychological examination is of importance both for diagnosis and at the rehabilitation stage of the cases (4). Following sexual assaults, many psychiatric disorders including post-traumatic stress disorder (PTSD) and depression may occur (5). The prevalence of PTSD was found to be between 8–16% in general population studies (5).

It was determined that the highest risk of PTSD was seen after completed rape with a rate of 57.1% (6). It was stated that events such as rape and torture led to a higher risk of psychological disorder than natural disasters or traffic accidents (7). However, in some people who experienced the worst events, psychological disorder may not develop (8). In addition, only in some people who have psychological problems immediately after trauma, the problem becomes chronic (8). Factors such as the specific characteristics of each event, its influence on the case, its interpretation by the case, how the event is perceived, support given to the case by people close after the event are extremely effective in the development of the disorder (5).

Turkish Penal Law No. 5237, which came into effect in June 1, 2005 Article 102/5 on sexual crimes in adults, and article 103 on those in children state that if psychological health is impaired due to sexual assault, punishment will be more severe because of each sexual crime will

create a psychological trauma for the case. However, the concept of ‘the impairment of psychological health’ necessitating the increase in punishment was not mentioned in detail in the law (8). In June 18, 2014 The Law changed because of the problems. Every sexual crime (assault or abuse) cases have accepted as psychiatric impairment so punishment has made of highest level. But our research is related to the previous event to the new law, cases have been subjected to psychiatric evaluation.

In this study, we aimed to evaluate forensic psychiatric examination reports of the cases that are send to examine whether or not any permanent psychiatric impairment after sexual assault or abuse

Material and methods

This investigation is a retrospective analysis of forensic-psychiatric examinations in sexual crime cases. The examinations were performed at the Department of Forensic Medicine, Medical Faculty of Celal Bayar University between October 2012 and February 2014. Findings from examination of cases who were sent to determining permanent psychiatric impairment. Cases were investigated according to age, gender, crime type and psychiatric evaluation. Age groups are divided to two subgroups (under 18 years, upper 18 years) because of age of legal consent to sexual relationship is upper 18 years in Turkey. SPSS (IBM SPSS Statistics Version 20 Software) program was used for data analysis. Distribution percentile, frequencies, means and standard deviations were used for statistical analysis

Results

Numbers of examined cases were 55 and numbers of diagnosed cases were 33. The minimum age was 7 years whereas the maximum age was 77 years (mean 20.39±13.17). Of the cases; 57.6% (n=19) were younger than 18 years. Relationship between age and gender are shown in Fig.1. It was established that 12.1% of the cases were male (n=4) and 87.9% (n=29) were female and all accused were male. In 63.7% cases (n=21) were simple sexual assaulted or abused in 36.3% cases (n=12) were qualified sexual assault or abuse (Fig.2). Offender was familiar by cases in case of 72.7% (Fig.3). In the cases, 30.3% (n=10) crime happened at the home of offender or cases (Fig.4). As a result of forensic psychiatric evaluation, in the 39.4% of cases (n=13) were detected permanent psychiatric impairment (Fig.5)

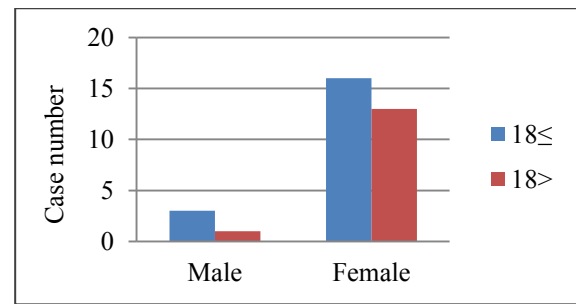


Figure 1: Case number, gender and age groups

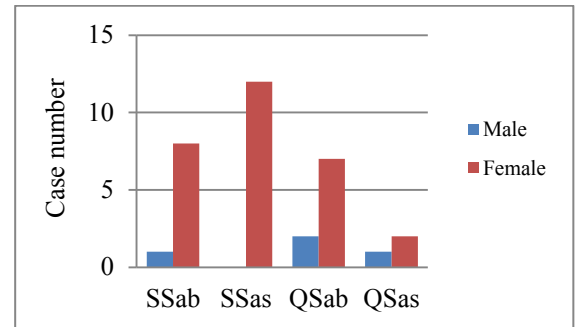


Figure 2. Grade of crime. SSab: Simple Sexual abuse, SSas: Simple Sexual assault, QSab: Qualified Sexual Abuse, QSas: Qualified Sexual assault

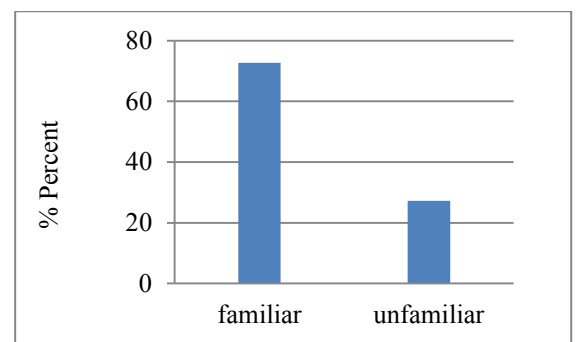


Figure 3: Relationship of the offenders and victims

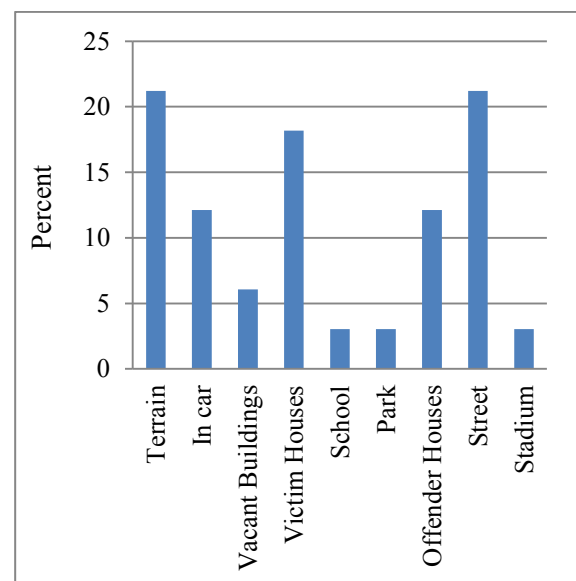


Figure 4: Scene of crime

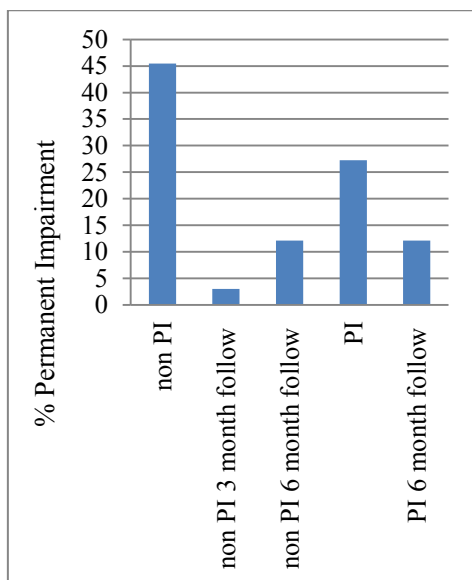


Figure 5: Psychiatric examination results of Permanent Impairment (PI: Permanent Impairment)

Discussion

In the USA, 20% of women and 5–10% of men experience sexual violence (9). The 2009/2010 British Crime Survey reported that one in five females and one in fifty males had experienced some form of sexual assault (including attempts) at least once since the age of 16 (10). In the year prior to the survey, 2% of women and <1% of men had experienced an incident of sexual assault (11). The 2010 UNICEF child abuse and family violence research reported that 3% of children aged 7-18 years are exposed to sexual abuse in Turkey (12). According to Turkey Statistical Institute data, nearly 100,000 women has been the victims of sexual assault in the period of 2005-2010 (13).

In covenant with other studies (9,14,15), the majority of the sexual crime cases were female (87.9%) in this study. However, it should be kept in mind that male cases report a sexual crime less often (15). The majority of the cases resided of children and adolescents (57.6% were younger than 18), like Grossin et al (14).

Consistent with the current literature, the suspect was someone known by the case in the majority of cases (72.8%) (14,15). The high percentage of suspects, which are known by the cases, can explain the high rate of repeated abuse, because it is more likely to be a repeated case, if the alleged perpetrator lives in the same household or is frequently in the case's home (15). Saint-Martin et al. (4) also documented that the majority of rape incidents occurred in the case's or offender's home, which can be explained by the fact that the offender is often someone known to the case. In this study in 30.3% cases crime happened at the home of offender or case and in 72.7%, offender was known by cases.

In a study of Janish et al. only 26.8% diagnostic findings were observed in the anal-

genital region (15). Considering the low rate of genital injuries, it should be taken into account that penetration presents only certain group of sexual crime (15). Difficulties in finding biological evidence, and lack of penetration is some events like fondling, kisses and or any other forms or cases not being virgins at the time of the event, evaluation of psychological health may sometimes be only or the most important evidence both for diagnosis and at the rehabilitation stage of the cases (4,16). In our study, 63.7% cases were simple sexual assaulted or abused like touching, kisses or any other form without vaginal, oral or anal penetration (penile/digital/instrumental). In this study, the psychological finding looks more important than physical findings.

Many psychiatric disorders including PTSD, anxiety and depression may occur at sexual crimes (5, 17, 18). In the 179/3 article of German Penal law, it is stated that in case there is a serious threat to the health of the case due to sexual assault, or it causes physical or emotional disturbance, a prison sentence varying between 6 months and 10 years will be the punishment (16). Similarly, in Finnish Penal Law, in the 20/2 article, it is stated that in cases when assault causes severe physical and psychological disturbance, a prison sentence of at least 2 to at most 10 years will be the punishment (16). In Turkish Penal Law 102/5 whether case physical or psychological health of the adult case is impaired after sexual assault, a prison sentence not less than 10 years and if the case is a child, a prison sentence not less than 15 years (Turkish Penal Law 103/6) will be given as punishment (19).

Our cases which were sent to examine whether or not any permanent psychiatric impairment after sexual assault or abuse were evaluated and consulted with psychiatry, child psychiatry and forensic medicine specialists. In this study as a result of forensic psychiatric evaluation, in %30.3 of cases were detected permanent psychiatric impairment (depression, anxiety or PTSD).

Examination of cases has to be performed scrupulously because, permanent psychiatric impairment by sexual crimes, not only negatively affect case his/her social environment but also it is a country's laws punishment-enhancing factor.

Conflict of Interest: The authors declare no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

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