

Intimate Partner Sexual Abuse

A Checklist for Justice-System Practitioners

Intimate partner violence primarily comes to the attention of the justice system through the reporting of physical violence and threats, and violations of protective orders. While sexual abuse is also frequently present in abusive relationships, it is often hidden due to the difficulties victims can encounter in reporting it, and, at times, the absence of an effective response from the justice system. Yet identifying and responding effectively to intimate partner sexual abuse is essential to supporting victims' safety and healing, and to holding offenders accountable.

This fact sheet is a companion piece to the Center for Court Innovation's previous publication with Safe Horizon, "Intimate Partner Sexual Abuse: A Guide for Listening and Responding to Survivors" (2013). Whereas that piece was designed for victim advocates, this fact sheet provides information about intimate partner sexual abuse and recommendations directed at all justice-system practitioners and agencies, including courts, attorneys, community corrections, intervention programs for abusive partners, supervised visitation providers, and others working with victims and offenders.

How does it work?

What constitutes intimate partner sexual abuse?

As in other types of relationships, intimate partner rape and sexual assault are sexual acts committed by force and/or without the consent of the victim. The victim may deny consent, or the offender may commit the sexual violence when the victim is unable to consent because he or she is asleep, impaired due to substance use or disability, or simply afraid to say no.

What about other sexual abuse tactics?

Abusive partners may also use tactics related to sexuality to control, humiliate, and degrade their victims, such as sexual coercion (emotional and/or financial), sexual name-calling or

putdowns, forced viewing of pornography, physical violence during (consensual) sexual activity, accusations of infidelity, birth control sabotage, forcing or prohibiting abortion or other medical care, creating or sharing sexual images of the victim without consent (often called "revenge porn"), or demanding sex after an incident of physical violence.

How often does intimate partner sexual abuse occur?

Research has consistently found sexual abuse to be a common feature of abusive relationships. Depending on the study's methodology, between 45 and 75 percent of women who have been physically abused by a partner report also being raped by the same partner. Indeed, despite

perceptions to the contrary, intimate partners are the most common type of rape perpetrator.

Then why don't we hear about it?

Intimate partner sexual abuse comes with all the barriers to disclosure common to intimate partner violence generally, as well as those associated with sexual violence. These include fear of retaliation, discomfort talking about sexual concerns, stigma, shame, embarrassment and self-blame, conflicting feelings about the abusive partner, fear of not being believed or taken seriously, and not labeling the incident as rape or sexual assault because it's not consistent with public perceptions of those crimes. These barriers can make it difficult, and even dangerous, for victims of intimate partner sexual abuse to disclose.

What are some of the key characteristics of intimate partner sexual abuse?

Unlike sexual violence by an acquaintance or stranger, intimate partner sexual abuse is usually chronic in nature, with offenders repeatedly using sexual violence against their victims. In addition, compared with other victims of sexual violence, victims of intimate partner sexual abuse are the least likely to report the offense and to receive services and support. As a result, they often suffer and cope in isolation, at times while continuing to interact or even live with their rapist. Lastly, because of the intimate nature of the relationship, this type of abuse represents a profound betrayal and violation of the victim's trust in their partner.

How does intimate partner sexual abuse relate to risk and dangerousness?

Statistically, intimate partner sexual abuse is associated with more frequent and severe physical violence in a relationship, as well as more severe psychological abuse, injuries, threats, and stalking. It is also correlated with both abuse during pregnancy and victim suicidality, and may reflect an escalation in the severity of abuse. Intimate partner sexual abuse is also a risk factor for domestic violence homicide, and is included in most standardized risk assessment instruments, such as the Danger Assessment. Lastly, intimate partner sexual abuse is associated with a greater

risk of child abuse and threats to harm children, as well as more severe negative emotional impacts of family violence on children. As such, it should always be considered a "red flag" for increased risk to both children and adult victims.

How does intimate partner sexual abuse affect victims?

Intimate partner sexual abuse is a deeply traumatic experience for victims, often leading to post-traumatic stress disorder, anxiety, depression, eating and sleep disturbances, and self-medication with substances or by other means. Victims may feel intense fear, confusion, anger, helplessness, and shame, and may experience unwanted or poorly spaced pregnancies, sexually transmitted infections, negative outcomes during pregnancy and postpartum, chronic pain, stress-related illness, and sexual dysfunction. These significant effects indicate the need for specialized, trauma-informed victim services, medical care, and mental health treatment.

Recommendations for Justice-System Practitioners:

- Screen victims for intimate partner sexual abuse at all points in the justice system. Use inclusive behavioral descriptions—such as, "Has your partner ever hurt you sexually?" or "Has your partner ever forced you to do something sexual, or done something sexual to you without your permission?"—and be sure to ask about prior incidents and frequency.
- Connect victims with reproductive health care and sexual violence-specific services, including forensic medical care, and consider the risk of sexual violence when safety planning with victims.
- Include intimate partner sexual abuse questions and information in all forms, documents, and community outreach and educational materials, including police report forms, protection order petitions, and intake forms.
- Use risk assessment tools that ask about intimate partner sexual abuse, and when it's identified, treat it as an indication of increased risk to adult victims and their children,

including in custody and visitation matters.

- Proactively address sexual abuse in intervention programs for abusive partners and community corrections by screening for intimate partner sexual abuse, challenging abusive partners' attitudes and beliefs that support the abuse, and teaching safer sex practices and sexual respect.
- Engage in cross-training and collaboration among providers and agencies designated to respond to domestic violence, and those who respond to sexual violence.
- Involve rape crisis programs and other sexual assault victim service providers in domestic violence court planning and stakeholder meetings, and provide interdisciplinary training on intimate partner sexual abuse.
- Work with partner agencies to develop a policy for how intimate partner sexual abuse cases will be handled, by which specific providers, and in which courtroom(s).
- Familiarize yourself with any special conditions or restrictions applied to marital/spousal rape cases in your jurisdiction, in both the criminal and civil contexts.
- Impose comparable sentences on all defendants convicted of sex crimes, and utilize both domestic violence and sex offense conditions and mandates for intimate partner sexual abuse offenders.

For training and technical assistance on justice-system responses to intimate partner sexual violence, contact Kathryn Ford at fordk@courtinnovation.org.

This project was supported by Grant No. 2015-TA-AX-K023 awarded by the Office on Violence Against Women. The opinions, findings, conclusions, and recommendations expressed in this program are those of the authors and do not necessarily reflect the views of the U.S. Department of Justice.

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