

ARTICLE SUMMARY:
Policing Sexuality In a Modern State Hospital
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- This article reviews the problems the Rochester (NY) Psychiatric Center had following staff's decision NOT to notify policy after a rape of one male patient by another on grounds.
- The local news covered the foul-up (loss of physical evidence, etc)
- The same victim was later assaulted again, and at his request, police and family were not notified. The victim later told his family who called the police themselves.
- The issue was raised whether the hospital had the authority to refrain from reporting the incident to the police or the family on the grounds of confidentiality.
- Not surprisingly, a multimillion dollar lawsuit ensued and the local attorney general launched a special investigation, with all the dirty laundry that entails.
- The grand jury released a 117 pg report but brought no civil or criminal indictments against staff.
- The grand jury recommended the Dept MH make a policy for all state hospitals on sexual conduct for staff and pts, including criteria for competency to consent.
- The hospital eventually came up w/ a 6 page policy that did not define sexual activity, but did mandate staff who came across pts engaged in sex to treat it like a crime scene, with preservation of evidence.
- The grand jury never addressed issues such as whether the pt's desires for confidentiality controls the decisions to report assaults to the police, or if the family has any right to information about an adult pt
- NY state does have a law that engaging in sex with a mentally defective person is a felony.
- The local DA began demanding to be notified of any sexual activity involving incompetent patients.
- Author notes on how over-reporting leads to a vicious cycle that leaves pts feeling less in-control and more disrupted, as well as feeding into media's portrayal of psych facility as inhabited by sexual deviants with uncontrolled impulses.