



National Judicial Education Program

A project of **LEGAL momentum**

The Women's Legal Defense and Education Fund

Materials and Resources on Adult Victim Sexual Assault

A particular focus of the National Judicial Education Program's (NJEP) work is adult victim sexual assault. Since its inception in 1980, NJEP has worked with state, federal, and tribal courts to promote the fair adjudication of these cases. NJEP creates and presents an extensive array of materials for in-person, DVD and web-based judicial and multidisciplinary education about adult victim sexual assault and the intersection of sexual assault and domestic violence.

NJEP's curricula include research from law, medicine, and the social sciences. These curricula employ interactive teaching techniques and are meant to be adapted for local jurisdictions. All of these resources are intended for multidisciplinary audiences and are utilized by individuals ranging from judges to sheriffs to social workers.

Model Training Curricula on Sexual Assault Cases

Each curriculum includes a PowerPoint presentation with suggested commentary, a detailed Faculty Manual and additional resources. Access these curricula for free online at:

www.legalmomentum.org/njep/materials-for-judicial-education

Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of Domestic Violence Cases

6 curricula | 15 to 180 minutes in length | for civil, family and criminal court judges

Sexual abuse is far more prevalent in cases involving other forms of intimate partner violence than is generally recognized. Recent research with battered women reveals that intimate partner sexual abuse is a hidden but frequent aspect of family violence with significant implications for the courts, particularly with respect to risk assessment.

Based on NJEP's extensive web course/resource *Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of Domestic Violence Cases*, these six curricula can be integrated into in-person judicial education programs on a variety of topics relating to domestic violence or sexual assault, utilized in webinars, or reviewed by individuals online.

Go to curriculum:

www.legalmomentum.org/intimate-partner-sexual-abuse-adjudicating-hidden-dimension-domestic-violence-cases

The Challenges of Adult Victim Sexual Assault Cases: Materials for New Judges

Introductory presentation

This curriculum focuses on alerting new judges and judges rotating into a new assignment to the unique challenges of cases involving adult victims of sexual assault that arise in criminal, civil, and family courts. This curriculum provides extensive resources to assist judges in meeting these challenges. A featured component of the Materials for New Judges curriculum is the publication *Judges Tell: What I Wish I Had Known Before I Presided in an Adult Victim Sexual Assault Case*, described later below, which can also be downloaded independently.

Go to curriculum:

www.legalmomentum.org/challenges-adult-victim-sexual-assault-cases



Materials and Resources on Adult Victim Sexual Assault

Elder Victims of Sexual Abuse

90 minutes

Elder sexual abuse by intimate partners, relatives, caregivers, other nursing home residents and stranger assailants is a prevalent and distinct form of victimization in which the victims' age and health further complicate the challenges that every sexual abuse/assault case presents for the courts. This curriculum presents current research, strategies for handling these cases, and exercises.

Go to curriculum:

www.legalmomentum.org/elder-victims-sexual-abuse

Interpreters in Adult Victim Sexual Assault Cases

75 minutes

For already traumatized rape victims, encountering an interpreter untrained on sexual assault and domestic violence issues and determined to protect the image of his or her community, even at the expense of the victim, is profoundly destructive and undermines the fair administration of justice. This curriculum includes resources to improve court interpreter services.

Go to curriculum:

www.legalmomentum.org/interpreters-adult-victim-sexual-assault-cases

Jury Selection and Decision Making in Adult Victim Sexual Assault Cases

2 & 3 hour versions (adaptable to each jurisdiction)

Research shows that jurors in adult victim sexual assault cases assess the evidence through the lens of commonly held misconceptions and myths about rape, rape victims and rapists. This curriculum presents the research carried out with actual and mock jurors, as well as public opinion poll data about sexual assault. After learning about the current research, judges discuss their role in selecting a fair jury, protecting jurors' privacy and minimizing jurors' stress and trauma in these difficult cases.

Go to curriculum:

www.legalmomentum.org/jury-selection-and-decision-making-adult-victim-sexual-assault-cases

Raped or "Seduced"? How Language Helps Shape Our Response To Sexual Violence

2 hours

When we discuss sexual assault, we constantly use the language of consensual sex to describe assaultive acts. In addition, we describe violence against women in passive terms, which allows the perpetrators of this violence to remain invisible and unaccountable. We also use language that objectifies or blames victims. This curriculum explores the language of violence against women: how we talk about and write about these crimes. Using case law examples, participants will practice re-writing text in ways that more accurately depict the true nature of the crimes.

Go to curriculum:

www.legalmomentum.org/raped-or-seduced-language-helps-shape-response-sexual-violence



Materials and Resources on Adult Victim Sexual Assault

Women in Drug Treatment Courts: Sexual Assault as the Underlying Trauma

60 minutes

Many women in drug courts are self-medicating the psychological pain of childhood and adult sexual and physical violence. When drug treatment programs fail to address the underlying trauma, women fail the programs. This curriculum explores the research on substance abuse among female sexual assault victims and the role of drug courts and treatment programs in their recovery.

Go to curriculum:

www.legalmomentum.org/women-drug-treatment-courts-sexual-assault-underlying-trauma

Medical Forensic Sexual Assault Examinations: What Are They and What Can They Tell the Courts?

Adult victim sexual assault trials bring with them expectations about the kind of injuries a “real” victim will have, the kind of medical evidence that will be offered, who will present it, and what medical evidence can “prove” in these cases. These expectations are at odds with reality and undermine fairness in all aspects of the trial process. The findings of a medical forensic sexual assault examination (sometimes referred to as a “rape kit”) and the testimony of a sexual assault nurse examiner (SANE) can provide very useful information for the judge and the jury. However, there are important legal limitations on the scope of SANE testimony, as well as limitations as to what the examination findings can actually prove. This curriculum provides accurate information about the medical forensic sexual assault examination, and explores some of the legal issues these cases raise.

Online Course

Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of Domestic Violence Cases

The course provides interdisciplinary research from law, medicine and the social sciences on this hidden but frequent aspect of domestic violence, and explains the significant implications for the courts, particularly with respect to all types of risk assessment, including custody and visitation. The web course contains 13 in-depth modules on issues ranging from risk assessment to cultural defenses, four civil and four criminal case studies, and several interactive elements.

Funded by the State Justice Institute and the Department of Justice Office on Violence Against Women, registration is free and open to all. This online course was designed to permit states and jurisdiction to their own law and practice.

A California judge wrote NJEP:

“This course is superb. Every judge, prosecutor, public defender, probation and parole officer, and police officer should take it. I highly recommend this course for all involved in the criminal justice system. Well done and thank you. I will be a better judge as a result.”

Go to course:

www.njep-ipsacourse.org



Materials and Resources on Adult Victim Sexual Assault Publications

Judges Tell: What I Wish I Had Known Before I Presided in an Adult Victim Sexual Assault Case

Judges Tell is a compendium of 25 points and commentary on key issues related to adult victim sexual assault. NJEP developed this publication in conjunction with judges experienced in presiding in adult victim sexual assault cases.

The Program Management Specialist at the Washington State Coalition of Sexual Assault Coalitions wrote NJEP:

"I just read your *Judges Tell* document, and I just want to write you a fan letter! This is a terrific resource for all professionals in the sexual assault field. You do an amazing job of presenting extensive, complex material in an accessible manner. I hope every judge in America reads this, and I know we will use this document in our educational efforts."

Download:

www.legalmomentum.org/resources/judges-tell-what-i-wish-i-had-known-i-presided-adult-victim-sexual-assault-case

Risk Assessment and Intimate Partner Sexual Abuse: The Hidden Dimension of Domestic Violence

By Lynn Hecht Schafran, Esq.

Based on the National Judicial Education Program's online course, *Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of Domestic Violence Cases*, this article, originally published in *Judicature* magazine, details how sexual abuse elevates the level of risk and potential lethality in domestic violence cases for victims and their children.

Download:

www.legalmomentum.org/resources/risk-assessment-and-intimate-partner-sexual-abuse-hidden-dimension-domestic-violence

DVDs

Understanding Sexual Violence: The Judge's Role in Stranger and Nonstranger Rape and Sexual Assault Cases

4 hours

A DVD curriculum based on NJEP's two-day, in-person curriculum. Includes courtroom vignettes, expert commentary, and a panel of judges discussing how they have used these experts' information in their own courtrooms.

Order online:

www.legalmomentum.org/understanding-sexual-violence-judges-role-stranger-and-nonstranger-rape-and-sexual-assault-cases

"The Undetected Rapist"

7 minutes

A re-enactment of part of an interview conducted with a college student/rapist by Dr. David Lisak, a leading researcher in the field. In the interview, the rapist, who was never reported or prosecuted, callously describes how he planned and executed the rape of a young college student.

This DVD comes with a Discussion Guide and should only be shown with a skilled facilitator.

To learn more and order online:

<http://www.legalmomentum.org/store/undetected-rapist-dvd>



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A Response to The "Undetected Rapist"

23 minutes

Produced in association with IMPACT Personal Safety, Part I is *The Undetected Rapist*. Part II is focus groups of men and women of various ages and backgrounds responding to *The Undetected Rapist*.

This DVD comes with a Discussion Guide and should only be shown with a skilled facilitator.

To learn more and order online:

<http://www.legalmomentum.org/store/response-undetected-rapist-dvd>

Presenting Medical Evidence in an Adult Rape Trial

2 hours

A DVD curriculum that explores the presentation of medical evidence in an adult victim rape trial, with a focus on forensic sexual assault examinations, admitting medical evidence into a rape trial, and cross-examination of the medical witness, among other topics.

To learn more and order online:

<http://www.legalmomentum.org/store/presenting-medical-evidence-adult-rape-trial-dvd>

In-Person Understanding Sexual Violence Curricula for Judges & Prosecutors

Understanding Sexual Violence: The Judicial Response to Stranger and Nonstranger Rape and Sexual Assault

A two-day model curriculum

Provides current interdisciplinary research from law, medicine, and the social sciences about adult victim sexual assault and invites judges to consider how this information relates to their responsibilities in the pre-trial, trial and sentencing phases of sexual assault trials, and as leaders in the criminal justice system and the community. Suggests ways judges can minimize retraumatization of victims without undermining defendants' constitutional rights.

To learn more and order online:

<http://www.legalmomentum.org/store/understanding-sexual-violence-judicial-response-stranger-and-nonstranger-rape-and-sexual>

Understanding Sexual Violence: Prosecuting Adult Rape and Sexual Assault Cases

A four-day model curriculum

This curriculum for prosecutors uses a case file to explore issues surrounding the prosecution of nonstranger rape cases including: the effect of rape myths and stereotypes on charging decisions, victim treatment, forensic evidence and sexual assault examinations. The curriculum comprises a Faculty Manual, a Participants' Binder, and Resource Books, which include reports, articles, and excerpts that allow participants to consider this subject in greater depth. The Faculty Manual and Participants Binder are available for free online. The Resources Book Vol. I & II is only available in hard copy and can be purchased separately.

To learn more and order online:

<http://www.legalmomentum.org/store/understanding-sexual-violence-prosecuting-adult-rape-and-sexual-assault-cases-entire-set>

Free online binder:

www.mincava.umn.edu/documents/usvpros