

NATIONAL JUDICIAL EDUCATION PROGRAM

TO PROMOTE EQUALITY FOR WOMEN AND MEN IN THE COURTS*

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Understanding Sexual Violence

Sexual violence committed against adult women and men is the most misunderstood crime and, as a result, the least well handled in the courts. To dispel the myths that surround this crime, demonstrate how stereotyped thinking undermines the fair administration of justice and suggest ways that judges can preside more effectively in these cases while maintaining their neutrality, the National Judicial Education Program (NJEP) in 1994 published a **two-day model judicial education curriculum** titled *Understanding Sexual Violence: The Judicial Response to Stranger and Nonstranger Rape and Sexual Assault*. The curriculum is intended to be adapted by judges and judicial educators for their own jurisdictions.

The curriculum provides extensive social science research about how different victims react during and after the assault: rape-related posttraumatic stress disorder; nonstranger sex offenders, who are by far the majority; sex offender sentencing and treatment; and jurors' attitudes towards rape. It then explores how this research relates to judges' responsibilities in the pre-trial, trial and sentencing phases of a rape or sexual assault case and how judges can minimize retraumatization of victims without undermining defendants' rights. The curriculum has been presented across the United States to an extremely positive response. To make this critical information more readily available, NJEP subsequently created a **video version** and is completing a **DVD-ROM**. The several versions of this curriculum are listed below. Funding was provided by the State Justice Institute and the United States Department of Justice, Office on Violence Against Women.

Understanding Sexual Violence: The Judicial Response to Stranger and Nonstranger Rape and Sexual Assault, (two-day, live training program).

Understanding Sexual Violence: The Judge's Role in Stranger and Nonstranger Rape and Sexual Assault Cases, (four-hour video curriculum).

Understanding Sexual Violence: The Judge's Role in Stranger and Nonstranger Rape and Sexual Assault Cases, (DVD-ROM, forthcoming).

The "Undetected" Rapist (6-minute video).

Detailed descriptions of each and order forms are online at www.njep.org. Click on Curricula and Videos & DVDs.

At the request of judges nationwide, NJEP created a four-day curriculum for prosecutors and a related video on medical evidence in rape trials. Descriptions are also online at www.njep.org.

Understanding Sexual Assault: Prosecuting Adult Rape and Sexual Assault, (four-day live training program). The complete curriculum is online at <http://www.vaw.umn.edu/documents/usvpros/usvpros.shtml>.

Presenting Medical Evidence in an Adult Rape Trial, (two-hour video). To view the associated website and video resource guide go to www.njep.org/medicalevidence.

* a project of Legal Momentum in cooperation with the National Association of Women Judges

UNDERSTANDING SEXUAL VIOLENCE:
THE JUDGE'S ROLE IN STRANGER AND NONSTRANGER
RAPE AND SEXUAL ASSAULT CASES

A Self-Directed Video Curriculum

GOALS AND OBJECTIVES

After viewing this video curriculum, the participants will be able to:

1. Identify common societal myths and biases that may impugn the integrity of the trial process in sexual assault cases.
2. Identify the short and long-term psychological and physiological effects of stranger and nonstranger sexual assault on both female and male victims.
3. Analyze the impact of the criminal justice system on adult victims of sexual assault.
4. Minimize retraumatization of the victim during the pre-trial, trial and sentencing phases of the case, without compromising the defendant's rights.
5. Understand the detrimental effect of delay in these cases.
6. Understand how myths about sexual assault affect juror attitudes.
7. Conduct or control *voir dire* in a manner that will elicit and minimize misconceptions about sexual assault that could undermine the fairness of juror deliberations.
8. Design and utilize appropriate juror questionnaires to be used in sexual assault cases, when permitted.
9. Rule on questions related to the introduction of expert testimony and set appropriate limits for any expert's testimony.
10. Rule on the specific types of evidence questions that arise in sexual assault cases.
11. Discuss the key components of effective sex offender treatment.
12. Identify key characteristics of sex offenders and be able to begin assessing their amenability to treatment.
13. Apply the knowledge gained from the victim impact, neurobiology of trauma and offender units of this curriculum when making decisions regarding plea bargains and sentencing.
14. Provide leadership in the criminal justice system and community by promoting the sensitive, informed handling of sexual assault cases.