

NATIONAL JUDICIAL EDUCATION PROGRAM*

395 Hudson Street, 5th Floor, New York, NY 10014

Phone: 212.925.6635, Fax: 212.226.1066, Email: njep@legalmomentum.org

www.njep.org

***UNDERSTANDING SEXUAL VIOLENCE:
THE JUDICIAL RESPONSE TO
STRANGER AND NONSTRANGER RAPE AND SEXUAL ASSAULT :***
**FACULTY MANUAL, DVD AND DIRECTIONS FOR PREPARING THE
PARTICIPANT'S BINDER**

A Model Judicial Education Curriculum

Understanding Sexual Violence: The Judicial Response to Stranger and Nonstranger Rape and Sexual Assault: Faculty Manual, DVD and Directions for Preparing the Participant's Binder 2005 Edition is the revised and updated version of the *Understanding Sexual Violence: The Judicial Response to Stranger and Nonstranger Rape and Sexual Assault* (1994) model judicial education curriculum. Developed with funding from the State Justice Institute (SJI), the curriculum focuses on helping judges deal fairly with sexual assault cases, especially nonstranger rapes, without undermining defendants' constitutional rights. Since the National Judicial Education Program to Promote Equality for Women and Men in the Courts (NJEP) published the original curriculum, it has been presented across the country to wide praise. The updated *Understanding Sexual Violence* reflects the experience of ten years of state presentations and includes new research and new issues.

The updated and revised *Understanding Sexual Violence* curriculum is over 300 pages and includes an exhaustive set of twenty-two appendices and a 4-hour companion DVD-ROM, *Understanding Sexual Violence: The Judge's Role in Stranger and Nonstranger Rape and Sexual Assault Cases* (2005).

Like the original curriculum, *Understanding Sexual Violence (2005)* provides extensive social science research about nonstranger sex offenders, who are by far the majority; sex offender sentencing and treatment; how different victims react during and after the assault (rape-related post-traumatic stress disorder); 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 of sexual assault trial, and how judges can minimize retraumatization of victims without undermining defendants' rights. The curriculum uses interactive teaching techniques to present material in ways familiar to judges: through courtroom scenarios, motions to dismiss, evidentiary hypotheticals, offers of proof, sentencing hypotheticals and *voir dire* exercises.

Understanding Sexual Violence is intended to be adapted by judges and judicial educators for their own jurisdictions.

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

The new version includes updated content and a revised format. The new content includes:

- faculty development materials specifically designed for the judicial faculty facilitating the large and small group exercises for this program.
- guidance in selecting and preparing national experts on offenders and victims and local experts who can talk about local practices and resources.
- a segment on the neurobiology of trauma and its implications for rape victims and trials;
- a presentation on sexual assaults against specific populations, with sexual assaults against Native American women as the model;
- consideration of new evidentiary issues, such as admissibility of forensic sexual assault examination findings, with detailed guidance on developing local law materials.
- a panel of jurors from recent, local nonstranger sexual assault trials to enrich the presentation on research on sexual assault jurors;
- suggestions on conducting a *voir dire* that minimizes retraumatizing the many survivors of child and adult sexual assault in the jury pool;
- a discussion of local codes of judicial conduct in the context of judges' community outreach on this topic.
- recommendations for using the information in the curriculum made by judges from more than twenty states who participated in NJEP programs.
- NJEP's DVD version of the curriculum, *Understanding Sexual Violence: The Judge's Role in Stranger and Nonstranger Rape and Sexual Assault Trials*, which includes an extensive annotated, searchable database, www.njep.org/usv.dvd. Optimally, participants in the program will be provided with their own copies of the DVD for future reference. At a minimum they can be referred to the website for their own future research.

The updated *Understanding Sexual Violence* curriculum is completely reorganized to make it easier and less expensive for states to present the program. The materials for the Participant's Binder – the curriculum case study, exercise work sheets, handouts, model expert slides, etc. – are no longer embedded in their respective units, but are in individual appendices. One appendix provides detailed guidance on preparing the Participant's Binder, including the table of contents from one of NJEP's presentations.

While the original curriculum included hundreds of pages of readings that made the Participants' Binder expensive to reproduce, the new version provides these supporting materials on the DVD and its associated website.

The curriculum has been presented in over twenty-five states thus far. Copies of the curriculum have been provided to each state judicial educator and to a library in each state designated by the State Justice Institute.

Presentations of the curriculum have been very well received. A judge who attended the Oregon training wrote in his evaluation that he had been on the bench for twenty-five years, and this was the best judicial education program he ever attended. Comments from judges in Colorado, Pennsylvania and Utah included:

- “Well Done!!...This seminar will cause me to make changes in the way I conduct my trials.”

- “Top-notch program, but emotionally very intense. Should be required of all court-related people in the criminal justice system. Best CLE I’ve been to in years.”
- “I don’t know of any other issues more important to us today. The course was superbly planned and the presenters were excellent....Thank you for permitting me to benefit by participating in this conference.”
- “Excellent program – one of the best I’ve ever attended.”

As noted above, *Understanding Sexual Violence: The Judicial Response to Stranger and Nonstranger Rape and Sexual Assault* was funded by the State Justice Institute. To encourage presentation of the curricula it funds, SJI awards Curriculum Adaptation Grants. These are grants of up to \$20,000 to a state or local court to replicate or modify a model training program developed with SJI funds.

Another source is the Trainer’s Bureau funded by the Department of Justice Office of Victims of Crime. This bureau will pay the cost of travel and consulting time to bring in a trainer on victim/witness issues. There is a cap on daily consulting fees. The Program Specialist for this Trainer’s Bureau can be reached at (202) 307-5950.

*The information in this curriculum is important for many other organizations, such as probation departments, police and victim advocates, and can be adapted to meet the needs of these agencies as well. At the request of judges who have attended the program over the years, NJEP adapted the curriculum specifically for prosecutors. For information about **Understanding Sexual Violence: Prosecuting Adult Rape and Sexual Assault Cases**, contact the NJEP office or consult our website at www.njep.org.*

***Understanding Sexual Violence: The Judge’s Role in Stranger and Nonstranger Rape and Sexual Assault Cases**, the four-hour self-directed DVD-ROM version of the curriculum included in this curriculum binder may also be ordered separately from the curriculum for \$25.00. A video version of the curriculum is also available. Contact the NJEP office or consult our website www.njep.org for more information.*

The judges’ curriculum may be purchased for \$140.00, which includes regular postage within the United States. If you are outside the United States, postage will depend upon your location and postal preference, i.e., surface or air.