

# **INTIMATE PARTNER SEXUAL ABUSE: ADJUDICATING THIS HIDDEN DIMENSION OF DOMESTIC VIOLENCE CASES**

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*Module for In-Person Judicial  
Education for Criminal Court Judges*

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

# **National Judicial Education Program\***

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*This project was supported by Grant No. 2008-TA-AX-K051, awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women*

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**Intimate Partner Sexual Abuse:  
90-Minute Module for Criminal Court Judges**

**FACULTY MANUAL**

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## **Overview**

### ***Presenting the 90 Minute Module for Criminal Court Judges***

In 2008 the National Judicial Education Program published a web course/resource entitled *Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of Domestic Violence Cases*, available at [www.njep-ipsacourse.org](http://www.njep-ipsacourse.org). Funded by the State Justice Institute and the Department of Justice, Office on Violence Against Women, registration for the web course is free and open to all.

The web course was prompted by recent research documenting that sexual abuse ranging from verbal degradation to torture is widespread in the domestic violence context, and that forced sex in addition to physical violence is a leading indicator of potential lethality for victims and their children. Thus, knowing whether there is sexual abuse and forced sex in a violent relationship is a key factor in risk assessment, in decision-making in civil, criminal, family, juvenile and probation cases, and in custody and visitation determinations. The justice system needs strategies that encourage victims to disclose intimate partner sexual abuse and resources for effective offender dispositions and management.

To make this information known to as many judges as possible, it is important to integrate it into in-person judicial education as an introduction to the issue of co-occurring sexual abuse and domestic violence and to the thirteen-module web course, which covers many more topics than can be addressed in an in-person program.

This module contains materials and resources for a 90-minute program which can either be presented on its own or integrated into a variety of judicial education programming, such as:

- Domestic Violence programs
- Sexual Assault programs
- Child Abuse programs
- Child Sexual Abuse programs
- Evidence programs

### **Learning Objectives**

As a result of this short module participants will:

- Understand the dynamics of intimate partner sexual abuse, the impact on victims, offender behavior, and the implications for criminal courts.
- Recognize the heightened risk of injury and death to the victim, her children and the community when intimate partner sexual abuse is a factor in a domestic violence case.
- Identify and excuse jurors who cannot be impartial in cases of intimate partner or marital rape.
- Differentiate between sex that is freely consented to and acquiescence from fear to avoid escalating violence.
- Determine when to admit expert testimony about intimate partner sexual abuse.
- Set sentences reflecting the gravity of the crime, the impact on the victim, and the risk posed by the defendant.
- Assess the capability of batterer intervention and sex offender programs to address intimate partner sexual abuse.
- Evaluate how, within the code of judicial conduct, judges can be leaders in developing an effective justice system and community response to intimate partner sexual abuse.

### **Components of this Module**

In addition to this Faculty Manual, components of this module are:

1. PowerPoint Slides with Suggested Commentary
2. PowerPoint Slides Template for State-Specific Adaptations
3. Resources CD for Participants
4. Handouts for Participants
5. CD Labels and Binder Cover

### **Curriculum Length**

This is a 90-minute PowerPoint presentation for criminal court judges with time for questions and answers as the program moves along.

### **Planning the Program**

Judges and judicial educators wishing to present or integrate this *Intimate Partner Sexual Abuse* module into other judicial education programs should plan as follows. Allow time for:

- Selecting the faculty
- Adapting the material to local law and practice, if necessary
- Deciding whether to use the Survivor Video Clip, described below
- Preparing the Resources CD for Participants
- Preparing the Handouts for Participants

### **Sample 90-Minute Agenda for Criminal Court Judges**

<b>1:00 – 2:30:</b>	<b>Intimate Partner Sexual Abuse: Adjudicating the Hidden Dimension of Domestic Violence Cases</b>
	Presentations by Judicial and Expert Faculty with Q & A during each presentation
1:00 – 1:20:	Introduction: Your State’s Marital Rape Law and the Intimate Partner Sexual Abuse Continuum of Conduct
1:20 – 1:50:	The Unique Victim Impact of Marital and Intimate Partner Rape
1:50 – 2:10:	Offenders: Partners as Property and Separation Sexual Assault
2:10 – 2:30 :	Implications for Risk Assessment
<b>2:30:</b>	<b>Closing</b>

### **Faculty**

For this 90-minute program include an expert on victims, an expert on offenders and a judge to moderate the program.

### **Suggested Introduction to the Module: Survivor Video Clip and Transcript**

This four-minute video clip is drawn from the Department of Justice, Office of Victims of Crime DVD *Victim Impact: Listen and Learn* and is provided in the electronic presentation materials. The clip is excerpted from an interview with a survivor of intimate partner sexual abuse and nearly lethal domestic violence. She states that the sexual abuse was even more emotionally destructive than the physical abuse because of the betrayal of trust. The sexual abuse, she states, "...was probably the most painful, and still probably the, the hardest to get past."

If you have the software and A/V equipment, with speakers, to show this video clip, it is a very effective way to begin this module.

It is useful to also distribute the transcript of the excerpt so that program participants fully grasp the impact of intimate partner sexual abuse. The transcript is available on the CD for this module and on the National Judicial Education Program (NJEP)'s website, [www.njep.org](http://www.njep.org). To access the transcript and any other materials for this module as well as any of NJEP's other resources, click on "Sexual Assault Resources." On the Sexual Assault Resources page, click on the "Resources Available for Download" link which will direct you to the registration and login page for NJEP's materials for in-person education, where you will find this module. Registration is free and will provide you with a username and password that you will need to gain access to this section of the website.

### **Suggested Presentation of the Survivor Video Clip**

*Read the transcript of Rebel's statement so you know what is in the four minute video clip.*

#### **Commentary:**

- To begin our program I am going to introduce you to a young woman named Rebel. She is a survivor of intimate partner sexual abuse and nearly lethal domestic violence. This video clip is an excerpt from her interview in a DVD created by the Department of Justice, Office for Victims of Crime called *Victim Impact: Listen and Learn*.
- [Show the four-minute video clip.]

#### **Debrief the Participants:**

- After you show the video clip, ask the group for their response.

*If the following points do not emerge from the group, make them yourself:*

- Did the participants note Rebel's statement that her husband's sexual abuse was more devastating than his death threats?
- Was this statement surprising to them?

Commentary After the Discussion:

- This program will address both the severe impact of intimate partner sexual abuse and its significant implication for all kinds of risk assessment.
- The co-occurring physical and sexual violence to which Rebel was subjected is not unusual. Research documents that a woman subjected to ***both*** physical and sexual abuse is ***seven times more likely to be killed*** than a woman subjected to physical violence alone. Rebel reports that her abuser, “threatened to have her killed.”
- When there is sexual abuse in the domestic violence context, the risk of physical and sexual violence escalating to lethality is not only posed to the victim, but also to others, including her children. This risk should be considered when making decisions about custody and visitation.

**Adapting the Curriculum to Your State or Jurisdiction**

To adapt the curriculum for your state or jurisdiction:

- Determine which state statutes, court rules and local practices are relevant and whether you want to include them on your PowerPoint slides and in your handouts.
- Several of the PowerPoint slides suggest obtaining local statistics and identifying local cases related to the points discussed. For example, obtain your state or jurisdiction’s most recent data on women murdered by their intimate partners.
- Be sure the slides use your state’s terminology. For example, your state statute may use the term “sexual battery” instead of rape.
- To add state-specific information to the PowerPoint presentation, go to the slide where you are prompted to add your own state’s information. To add a slide after the prompt use “Add New Slide” feature in PowerPoint. Use the new slide to add your state’s information.

To create new PowerPoint slides:

- Open the PowerPoint presentation provided to you that you would like to adapt
- On the PowerPoint menu, select “Insert New Slide”
- Select the slide layout you would like to use

**Note:** Do not change any of the slides except for the designated slides that you are asked to adapt to include your state-specific information.



### **Participant Materials**

The following handouts are to be printed and distributed to participants:

- PowerPoint slides printed three to a page with room for note taking
- Annotated Table of Contents for the Resources CD
- The description and module summary of the National Judicial Program's web course/resource *Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of Domestic Violence Cases*, [www.njep-ipsacourse.org](http://www.njep-ipsacourse.org). Registration is free and open to all.
- *Risk Assessment and Intimate Partner Sexual Abuse: The Hidden Dimension of Domestic Violence* by Lynn Hecht Schafran, JUDICATURE, January-February 2010 at 161
- If you show the Survivor Video Clip described above, distribute the transcript of the video as a handout
- Any state or jurisdiction-specific materials you select

### **Preparing the Participant's Binder**

The handouts for the Participant's Binder are available on the CD for this module and on the National Judicial Education Program (NJEP)'s website, [www.njep.org](http://www.njep.org). To access materials for this module as well as any of NJEP's other resources, click on "Sexual Assault Resources." On the Sexual Assault Resources page, click on the "Resources Available for Download" link which will direct you to the registration and login page for NJEP's materials for in-person education, where you will find this module. Registration is free and will provide you with a username and password that you will need to gain access to this section of the website.

To print handouts from the CD or the NJEP website:

- Click on the link to the handout you want to print. Clicking the link will download the handout to your computer as a PDF
- Open the downloaded PDF files
- Print and copy the handouts

To print PowerPoint slides as handouts for note-taking

- Navigate to the Print Menu
- From the Print Menu select the "Print What" pull-down menu and choose "Handouts"
- From the "Color/Grayscale" menu select "Pure Black and White"

- From the “Slides per page” pull-down menu select “3”

### **Cover for Participant’s Binder**

This module includes a folder called “Reproducing IPSA CD and Copyright.” Within this folder there is a ready-to-print PDF called “Binder Cover” which can be printed in color or in black and white. Once printed, place the cover on the binder that will be distributed to participants.

### **Resources CD for Participants**

The Resources CD for participants is a compilation of the complete text of eighteen articles useful to anyone wanting more information about intimate partner sexual violence in the domestic violence context and adult victim sexual assault in general. It includes a link to a Danger Assessment instrument. Each citation in the Annotated Table of Contents on the Resources CD links to the full text of the article or document. Users do not need to be connected to the internet to link to these texts.

At your program, provide the Annotated Table of Contents from the Resources CD as a handout. This will immediately show participants the wealth of resources available to them and may give them an incentive to explore the Resources CD on their own.

Prepare the Resources CD as explained below and burn a copy for each participant.

#### **Preparing the Resources CD for Participants via the NJEP website**

- Download the Resources CD from the website
- Create a new folder titled *Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of Domestic Violence Cases* Resources CD
- Move the downloaded Resources CD file into the new folder
- Insert a blank CD and when prompted burn the *Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of Domestic Violence Cases* Resources CD folder to the CD

#### **Preparing the Resources CD via the *Intimate Partner Sexual Abuse* Module CD**

- Insert the *IPSA* Module CD. Navigate to the Resources CD page and download the Resources CD
- Remove *IPSA* Module CD
- Create a new folder titled “*Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of Domestic Violence Cases* Resources CD”
- Move the downloaded Resources CD file into the new folder

- Insert blank CD and when prompted burn the *Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of Domestic Violence Cases* Resources CD folder to the CD

### **Intimate Partner Sexual Abuse CD Label**

This module includes a folder called “Reproducing IPSA CD and Copyright.” Within this folder there is a ready-to-print PDF called “CD label.” This label is separate from the label for the Resources CD. It is intended to be affixed to the CD for the IPSA modules. To print, purchase Avery CD label paper at an office supply store or online at [http://www.avery.com/avery/en\\_us/](http://www.avery.com/avery/en_us/) and insert it into any regular printer. This will allow distribution of the CD with the appropriate labels and a uniform format.

### **Presenting the PowerPoint Presentation**

The lecture portion of this curriculum is contained in a PowerPoint presentation, with suggested commentary for the faculty included in the notes section of the slides. Sources are included on the slides. The PowerPoint presentation is provided on the CD and on the National Judicial Education Program’s website [www.njep.org](http://www.njep.org). The PowerPoint Presentation on the CD and website includes suggested commentary for the presenter to use.

To present the PowerPoint, navigate to the View menu or tab, then click “View Slideshow.” The slide will fill the screen.

- To move to the next slide click your left mouse button, press “Enter” on the keyboard or use the forward arrow key on your keyboard
- To return to a previous slide, press “Backspace” on your key board or use the back arrow on your keyboard
- For more options use the right mouse button or for Mac users press the apple/control key and click your mouse button
- To exit the Slideshow mode press Escape (Esc) on the top left corner of your keyboard

### **How to Print PowerPoint Slides with Suggested Commentary**

- To print the slides with suggested commentary for guidance during the presentation follow the steps below:
  - Navigate to the Print Menu
  - From the Print Menu navigate to the “Print What” pull-down menu and select “Notes Pages”
  - Select the “Color/Grayscale” pull-down menu and choose “Pure Black and White”

### **Evaluation**

Evaluation is a critical component of any judicial education program. Because jurisdictions have their own standard evaluation instruments and procedures, we have not included a suggested evaluation form here.

### **Technical Support**

The National Judicial Education Program (NJEP) is available to provide technical assistance to judges and others who are planning a program using these materials. Please contact us if you need technical assistance or have any questions about using this curriculum.

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### **Copyright and Use**

Upon adapting this curriculum for your jurisdiction, please use the following text for copyright and use:

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