

NATIONAL JUDICIAL EDUCATION PROGRAM*

5 Hanover Square, Suite 1502, New York, NY 10004

Phone: 212.925.6635, Fax: 212.413.7554, Email: njep@legalmomentum.org

ORDER ONLINE at www.njep.org

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

A Self-Directed DVD Curriculum

The National Judicial Education Program to Promote Equality for Women and Men in the Courts (NJEP) has adapted its highly regarded two-day, in-person curriculum, *Understanding Sexual Violence: The Judge's Role in Stranger and Nonstranger Rape and Sexual Assault Cases* as a DVD resource for education about rape and rape trials designed for a variety of audiences:

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| √ Judges | √ Probation and Parole Departments |
| √ Law Enforcement | √ Victim Advocates |
| √ Prosecutors | √ Medical Personnel |
| √ Defense Attorneys | √ Researchers |

This DVD version is augmented with a segment on the neurobiology of trauma. The curriculum was developed under grants from the U.S. Department of Justice Office on Violence Against Women and the State Justice Institute. The DVD technology makes the critical information in NJEP's curriculum more accessible to viewers on an as-needed basis and on their own time schedules. It is designed for use by individuals, or by groups using a moderator and facilitated discussions. The curriculum focuses on dealing knowledgeably and fairly with sexual assault cases, especially nonstranger rapes, without undermining defendants' constitutional rights.

Understanding Sexual Violence is structured around a case study that follows the various stages of a trial. It provides the most current social science and neuroscience research about how different victims react during and after an assault and the implications for the justice system, rape-related posttraumatic stress disorder, sex offenders and sex offender sentencing and treatment, and jurors' attitudes towards rape and sexual assault. This information is presented in the context of its implications for conduct of the pretrial and trial process, jury selection, assessment of force and consent, evidentiary decisions, pleas and sentencing.

The DVD has prompted an appreciative response. Hon. Claire L'Heureux-Dubé, recently retired from the Canadian Supreme Court and active in judicial education internationally, wrote, "[T]he DVD ... is a superb piece and it will certainly be extremely useful in our judicial education programs all over the world."

ORGANIZATION OF THE CURRICULUM

The four and a half hour DVD portion is presented in three video segments: **Victims**, **Neurobiology of Trauma** and **Offenders**. **Victims** focuses on sexual assault victims, victim impact and sexual assault juries. **Offenders** addresses issues related to sex offender characteristics, recidivism, treatment options and sentencing considerations.

The **Victims** and **Offenders** segments are each organized into four components:

1. **Courtroom Vignette:** A short courtroom scene that illustrates the key issues for each unit.
2. **Discussion with an Expert:** Judge Michael Keasler from the Texas Court of Criminal Appeals interviews experts on victim impact, sex offenders and jury selection in sexual assault cases.
3. **Judges Panels:** Five judges from across the country, who participated as faculty members when the two-day *Understanding Sexual Violence* program was presented in their own states, discuss what they learned from the material and how they are applying it in their own courtrooms. In addition to Judge Keasler, these judges are:
 - Judge Jacqueline F. Allen, Court of Common Pleas, Philadelphia, PA;
 - Judge Susan P. Finlay, Superior Court, San Diego, CA;
 - Judge Mel Flanagan, Milwaukee County Circuit Court, Milwaukee, WI;
 - Judge William Hughes, Superior Court, Noblesville, IN.
4. **Steps Judges Can Take:** A list of ways in which judges can apply the material presented.

The **Neurobiology of Trauma** segment is presented in lecture format as it was taped at a live NJEP program for the Michigan Judicial Institute. **Neurobiology of Trauma** explores the physical effects of a traumatic event, such as a sexual assault, on a victim's brain and how traumatic memories are actually created, stored and retrieved differently than non-traumatic memories.

VIEWER COMMENTS:

This DVD was piloted in both independent study and small group settings and was very well received. Judges reported that they acquired very specific and useful information that would inform their conduct of subsequent rape trials. For example:

- *"I will give less weight to a failure to report a rape promptly and a failure to seek any medical attention."*
- *"[I] will do increased voir dire myself."*
- *"I will be more aware of the victim impact in nonstranger rape and will take that into consideration in sentencing."*

OVERALL COMMENTS INCLUDED:

- *"I feel much more informed. It is helpful for all judges to know this information. I would recommend it to everyone, particularly for criminal court judges and family court judges."*
- *"[T]he experts were very knowledgeable and convincing and the judge panelists' comments were thoughtful and thought provoking....Having just recently assumed a criminal assignment, I learned a lot."*

The independent study group included judges who had attended the "live" two-day presentation and were asked to compare the video to it. They commented:

- *"The tapes are as effective as the live presentation, if not more so."*
- *"I thought the tapes were an excellent way to get the info to more judges at a significantly reduced cost. The tapes were very effective."*

Judges interviewed a few months after the pilot as to how they had used the curriculum responded:

- *"I have used it in two cases. It was very useful to me and continues to be so."*
- *"I've been able to put the information to good use in the trials that have occurred since viewing the program."*

Some judges have already presented the material for their colleagues. One reported, *"I did an abbreviated training on the program three times to new judges....I got great comments."*

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

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