



National Judicial Education Program

to Promote Equality for Women and Men in the Courts

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

A Self-Directed Video Curriculum

The National Judicial Education Program to Promote Equality for Women and Men in the Courts announces an important new resource for education about rape that is focused on judges but is relevant also to probation departments, prosecutors, defense attorneys, victim advocates, medical personnel, and police. *Understanding Sexual Violence: The Judge's Role in Stranger and Nonstranger Rape and Sexual Assault Cases* is a self-directed video version of NJEP's highly regarded model judicial education curriculum, *Understanding Sexual Violence: The Judicial Response to Stranger and Nonstranger Rape and Sexual Assault*. The video/self-study guide version will enable judges to access critical information on an as-needed basis and on their own time schedules. The video curriculum was developed under a joint grant from the State Justice Institute and the Department of Justice Violence Against Women Office and approaches these issues from the critical vantage point of fairness in the administration of justice. The curriculum focuses on learning to deal fairly with sexual assault cases, especially nonstranger rapes, without undermining defendants' constitutional rights.

Understanding Sexual Violence provides the most current empirical information about how different victims react during and after the assault, Rape-Related Post-Traumatic Stress Disorder, sex offenders and sex offender sentencing and treatment, and jurors' attitudes toward rape. 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 National Judicial Education Program published the original SJI-funded curriculum in 1994 as a live, two-day presentation. Since then, educators and experts have traveled around the country to present it in person. NJEP has now produced key sections of the curriculum in a video version that will be particularly useful to judges whose time to attend programs is constrained by demanding dockets and caseloads and to judges who are newly appointed or rotated into a criminal assignment.

a project of the
**NOW Legal Defense and
Education Fund**

in cooperation with the

**National Association of
Women Judges**

ORGANIZATION OF THE VIDEO AND SELF-STUDY GUIDE:

The curriculum is a four-hour program that consists of three videotapes and a self-study guide. It covers three units from the two-day "live" presentation: Victims, Offenders, and Voir Dire. The video is structured around a case study that follows the stages of a trial from the pretrial hearing through sentencing. The curriculum covers the following subject matter:

Part I: Victims

Probable Cause
Continuance Hearing
Motion in Limine-Expert Witness
Voir Dire

Part II: Offenders

Probable Cause
Prior Bad Acts
Victim Impact Statement
Defendants' Sentencing Hearing

Each of these units of the videotapes is organized into five components:

1. **Courtroom Vignette:** A short courtroom scene which 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 voir dire.
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 courtrooms. In addition to Judge Keasler these judges are: Judge Jacqueline F. Allen, Court of Common Pleas, Philadelphia, Pennsylvania; Judge Susan P. Finlay, Superior Court, San Diego, California; Judge Mel Flanagan, Milwaukee County Circuit Court, Milwaukee, Wisconsin; and Judge William Hughes, Superior Court, Noblesville, Indiana.
4. **Steps Judges Can Take:** A list of ways in which judges can apply the material presented.
5. **Self-Study Guide Exercises:** At the conclusion of each segment, viewers are asked to answer specific questions about the issues raised in that section.

The self-study guide includes copies of all of the experts' slides that appear in the video as well as discussion questions, space for note taking, and recommendations from judges across the country who have attended the live, two-day presentation. The entire video curriculum can be watched straight through, divided into two or three showings, or watched one segment at a time. In addition to independent self-study, the video can be shown in small groups in individual courthouses with a moderator to lead discussion, in new judges' orientation programs, and at larger judicial college events with local experts invited to talk about laws and resources in your state. Additionally, the video can be shown on its own, or it can be supplemented to meet the specific needs of groups outside the judiciary.

INSTRUCTOR'S GUIDE:

In addition to the videos and self-study guide, the curriculum includes an Instructor's Guide that explains how to utilize the video curriculum for independent study, with small groups of judges in a single courthouse, in a new judge's orientation program, and at larger judicial college seminars. The guide also explains how to merge the video curriculum with live commentary from local experts and judges.

VIEWER COMMENTS:

The curriculum 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 consider that nonstranger rapes cause more psychological damage than stranger rapes."

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."*

***The information in this curriculum is important for many groups in addition to the judiciary, such as probation departments, prosecutors, defense attorneys, victim advocates, medical personnel, sex offender treatment providers and police, and can be adapted to meet their needs as well.**

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

Video Curriculum Order Form



Your Name: _____

Address: _____

Phone: _____

Fax: _____

Email: _____

Indicate:

Number of Video Binders at \$60.00 each: _____

Number of Instructor's Guide Binders at \$45.00 each: _____

Please remit your enclosed check in the amount of: _____

to NOW Legal Defense and Education Fund
395 Hudson Street, 5th Floor New York, NY 10014,
earmarked for NJEP. Thank you.

Note:

The Video Binder and Instructor's Guide Binder are sold separately. The Video Binder, which includes the four video tapes and a copy of the Self-Study Guide, can be purchased for \$60. The Instructor's Guide, which details the many ways in which these videos can be used, can be purchased for \$45. This guide also includes a copy of the Self-Study Guide which should be duplicated and included in the Video Binder when the video curriculum is circulated to each new individual viewer, as well as for the participants' binder for group showings. These prices include 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. For more information, contact the National Judicial Education Program at NOW Legal Defense and Education Fund at (212) 925-6635, Fax: (212) 226-1066, 395 Hudson Street, 5th Floor New York, NY 10014-3684, njep@nowldef.org.