

*How Language Helps Shape
Our Response to
Violence Against Women*

NJEP Resource Materials

**Claudia J. Bayliff
Project Attorney
National Judicial Education Program –
Legal Momentum**

**2014 Idaho Domestic Violence Court
Conference**

Boise, ID

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For questions or requests for additional information, please contact:

Claudia J. Bayliff
Project Attorney
National Judicial Education Program-
Legal Momentum
101 Lounsbury Place
Falls Church, VA 22046
(703) 532-1134
cjbayliff@cox.net



National Judicial Education Program

A project of LEGAL momentum*

Established in 1980, the National Judicial Education Program to Promote Equality for Women and Men in the Courts (NJEP) is a unique, award-winning project of Legal Momentum in cooperation with the National Association of Women Judges.

NJEP educates judges, attorneys, and justice system professionals about the myriad ways in which gender bias and myths and misconceptions about the social and economic realities of women's and men's lives can undermine fairness across the spectrum of criminal, civil, family and juvenile law. NJEP has also designed and presented programs for judicial colleges and organizations, bar associations, and law schools across the country. In addition to developing and presenting model curricula, NJEP creates DVDs and web courses and publishes frequently in publications such as *Judicature* and *The Judge's Journal*.

State and Federal Task Forces on Gender Bias in the Courts:

NJEP's judicial education programs prompted state supreme courts and federal circuit councils nationwide to establish task forces to examine gender bias in their own jurisdictions and recommend reforms. The first was appointed in 1982. In 1988 the Conference of Chief Justices resolved that every Chief Justice should establish such a task force. Over a twenty year period forty-three states and seven federal circuit courts appointed task forces, to which NJEP provided technical assistance.

Judicial Education About Sexual Assault and Co-Perpetrated Sexual Assault and Domestic Violence:

A particular focus of NJEP's work is adult victim sexual assault and the intersection of sexual assault and domestic violence. Since its inception, the program has worked with state, federal, and tribal courts to promote the fair adjudication of these cases. NJEP creates and presents an extensive array of materials for in-person, DVD and web-based judicial education about adult victim sexual assault and co-perpetrated sexual assault and domestic violence. The curricula include multidisciplinary research from law, medicine, and the social sciences. These curricula employ interactive teaching techniques and are meant to be adapted for local jurisdictions.

Technical Assistance for Judges, Judicial Educators and Court Personnel:

NJEP also provides technical assistance for courts, judicial educators, and other professionals interested in designing education programs about gender bias in the courts, sexual assault, the intersection of domestic violence and sexual assault, and judges' role in these complex cases. In addition, NJEP assists jurisdictions in developing relevant local materials, summarizing key case law, and tailoring our materials to fit the jurisdiction's specific needs. NJEP's expert faculty also presents at judicial education programs across the country.

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395 Hudson Street New York, NY 10014
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Materials and Resources on Adult Victim Sexual Assault

A particular focus of the National Judicial Education Program’s (NJEP) work is adult victim sexual assault. Since its inception in 1980, NJEP has worked with state, federal, and tribal courts to promote the fair adjudication of these cases. NJEP creates and presents an extensive array of materials for in-person, DVD and web-based judicial and multidisciplinary education about adult victim sexual assault and the intersection of sexual assault and domestic violence.

NJEP’s curricula include research from law, medicine, and the social sciences. These curricula employ interactive teaching techniques and are meant to be adapted for local jurisdictions. All of these resources are intended for multidisciplinary audiences and are utilized by individuals ranging from judges to sheriffs to social workers.

Model Training Curricula on Sexual Assault Cases

Each curriculum includes a PowerPoint presentation with suggested commentary, a detailed Faculty Manual and additional resources. Access these curricula for free online at:

www.legalmomentum.org/njep/materials-for-judicial-education

Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of Domestic Violence Cases

6 curricula | 15 to 180 minutes in length | for civil, family and criminal court judges

Sexual abuse is far more prevalent in cases involving other forms of intimate partner violence than is generally recognized. Recent research with battered women reveals that intimate partner sexual abuse is a hidden but frequent aspect of domestic violence with significant implications for the courts, particularly with respect to risk assessment.

Based on NJEP’s extensive web course *Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of Domestic Violence Cases*, these six curricula can be integrated into in-person or online judicial education programs on a variety of topics relating to domestic violence or sexual assault, utilized in webinars, or reviewed by individuals online.

Go to curriculum:
www.legalmomentum.org/intimate-partner-sexual-abuse-adjudicating-hidden-dimension-domestic-violence-cases

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The Challenges of Adult Victim Sexual Assault Cases: Materials for New Judges

Introductory presentation

This curriculum focuses on alerting new judges and judges rotating into a new assignment to the unique challenges of cases involving adult victims of sexual assault that arise in criminal, civil, and family courts. This curriculum provides extensive resources to assist judges in meeting these challenges. A featured component of the Materials for New Judges curriculum is the publication *Judges Tell: What I Wish I Had Known Before I Presided in an Adult Victim Sexual Assault Case*, described later below, which can also be downloaded independently.

Go to curriculum:
www.legalmomentum.org/challenges-adult-victim-sexual-assault-cases



Materials and Resources on Adult Victim Sexual Assault

Elder Victims of Sexual Abuse

90 minutes

Elder sexual abuse by intimate partners, relatives, caregivers, other nursing home residents and stranger assailants is a prevalent and distinct form of victimization in which the victims' age and health further complicate the challenges that every sexual abuse/assault case presents for the courts. This curriculum presents current research, strategies for handling these cases, and exercises.

Go to curriculum:

www.legalmomentum.org/elder-victims-sexual-abuse

Interpreters in Adult Victim Sexual Assault Cases

75 minutes

For already traumatized rape victims, encountering an interpreter untrained on sexual assault and domestic violence issues and determined to protect the image of his or her community, even at the expense of the victim, is profoundly destructive and undermines the fair administration of justice. This curriculum includes resources to improve court interpreter services.

Go to curriculum:

www.legalmomentum.org/interpreters-adult-victim-sexual-assault-cases

Jury Selection and Decision Making in Adult Victim Sexual Assault Cases

2 & 3 hour versions (adaptable to each jurisdiction)

Research shows that jurors in adult victim sexual assault cases assess the evidence through the lens of commonly held misconceptions and myths about rape, rape victims and rapists. This curriculum presents the research carried out with actual and mock jurors, as well as public opinion poll data about sexual assault. After learning about the current research, judges discuss their role in selecting a fair jury, protecting jurors' privacy and minimizing jurors' stress and trauma in these difficult cases.

Go to curriculum:

www.legalmomentum.org/jury-selection-and-decision-making-adult-victim-sexual-assault-cases

Raped or "Seduced"? How Language Helps Shape Our Response To Sexual Violence

2 hours

When we discuss sexual assault, we constantly use the language of consensual sex to describe assaultive acts. In addition, we describe violence against women in passive terms, which allows the perpetrators of this violence to remain invisible and unaccountable. We also use language that objectifies or blames victims. This curriculum explores the language of violence against women: how we talk about and write about these crimes. Using case law examples, participants will practice re-writing text in ways that more accurately depict the true nature of the crimes.

Go to curriculum:

www.legalmomentum.org/raped-or-seduced-language-helps-shape-response-sexual-violence

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Materials and Resources on Adult Victim Sexual Assault

Women in Drug Treatment Courts: Sexual Assault as the Underlying Trauma

60 minutes

Many women in drug courts are self-medicating the psychological pain of childhood and adult sexual and physical violence. When drug treatment programs fail to address the underlying trauma, women fail the programs. This curriculum explores the research on substance abuse among female sexual assault victims and the role of drug courts and treatment programs in their recovery.

Go to curriculum:

www.legalmomentum.org/women-drug-treatment-courts-sexual-assault-underlying-trauma

Online Course

Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of Domestic Violence Cases

The course provides interdisciplinary research from law, medicine and the social sciences on this hidden but frequent aspect of domestic violence, and explains the significant implications for the courts, particularly with respect to all types of risk assessment, including custody and visitation. The web course contains 13 in-depth modules on issues ranging from risk assessment to cultural defenses, four civil and four criminal case studies, and several interactive elements.

Funded by the State Justice Institute and the Department of Justice Office on Violence Against Women, registration is free and open to all. This online course was designed to permit states and jurisdiction to their own law and practice.

A California judge wrote NJEP:

This course is superb. Every judge, prosecutor, public defender, probation and parole officer, and police officer should take it, I highly recommend this course for all involved in the criminal justice system. Well done and thank

Go to course:

www.njep-ipsacourse.org

Publications

Judges Tell: What I Wish I Had Known Before I Presided in an Adult Victim Sexual Assault Case

Judges Tell is a compendium of 25 points and commentary on key issues related to adult victim sexual assault. NJEP developed this publication in conjunction with judges experienced in presiding in adult victim sexual assault cases.

The Program Management Specialist at the Washington State Coalition of Sexual Assault Coalitions wrote NJEP:

"I just read your *Judges Tell* document, and I just want to write you a fan letter! This is a terrific resource for all professionals in the sexual assault field. You do an amazing job of presenting extensive, complex material in an accessible manner. I hope every judge in America reads this, and I know we will use this document in our educational efforts."

Download:

www.legalmomentum.org/resources/judges-tell-what-i-wish-i-had-known-i-presided-adult-victim-sexual-assault-case

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Materials and Resources on Adult Victim Sexual Assault

Risk Assessment and Intimate Partner Sexual Abuse: The Hidden Dimension of Domestic Violence

By Lynn Hecht Schafran, Esq.

Based on the National Judicial Education Program's online course, *Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of Domestic Violence Cases*, this article, originally published in *Judicature* magazine, details how sexual abuse elevates the level of risk and potential lethality in domestic violence cases for victims and their children.

Download:

www.legalmomentum.org/resources/risk-assessment-and-intimate-partner-sexual-abuse-hidden-dimension-domestic-violence

DVDs

Understanding Sexual Violence: The Judge's Role in Stranger and Nonstranger Rape and Sexual Assault Cases

4 hours

A DVD curriculum based on NJEP's two-day, in-person curriculum. Includes courtroom vignettes, expert commentary, and a panel of judges discussing how they have used these experts' information in their own courtrooms.

Order online:

www.legalmomentum.org/understanding-sexual-violence-judges-role-stranger-and-nonstranger-rape-and-sexual-assault-cases

"The Undetected Rapist"

7 minutes

A re-enactment of part of an interview conducted with a college student/rapist by Dr. David Lisak, a leading researcher in the field. In the interview, the rapist, who was never reported or prosecuted, callously describes how he planned and executed the rape of a young college student.

This DVD comes with a Discussion Guide and should only be shown with a skilled facilitator.

To learn more and order online:

<http://www.legalmomentum.org/store/undetected-rapist-dvd>

A Response to The "Undetected Rapist"

23 minutes

Produced in association with IMPACT Personal Safety, Part I is *The Undetected Rapist*. Part II is focus groups of men and women of various ages and backgrounds responding to *The Undetected Rapist*.

This DVD comes with a Discussion Guide and should only be shown with a skilled facilitator.

To learn more and order online:

<http://www.legalmomentum.org/store/response-undetected-rapist-dvd>

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Materials and Resources on Adult Victim Sexual Assault

Presenting Medical Evidence in an Adult Rape Trial 2 hours

A DVD curriculum that explores the presentation of medical evidence in an adult victim rape trial, with a focus on forensic sexual assault examinations, admitting medical evidence into a rape trial, and cross-examination of the medical witness, among other topics.

To learn more and order online:

<http://www.legalmomentum.org/store/presenting-medical-evidence-adult-rape-trial-dvd>

In-Person *Understanding Sexual Violence Curricula for Judges & Prosecutors*

Understanding Sexual Violence: The Judicial Response to Stranger and Nonstranger Rape and Sexual Assault

A two-day model curriculum

Provides current interdisciplinary research from law, medicine, and the social sciences about adult victim sexual assault and invites judges to consider how this information relates to their responsibilities in the pre-trial, trial and sentencing phases of sexual assault trials, and as leaders in the criminal justice system and the community. Suggests ways judges can minimize retraumatization of victims without undermining defendants' constitutional rights.

To learn more and order online:

<http://www.legalmomentum.org/store/understanding-sexual-violence-judicial-response-stranger-and-nonstranger-rape-and-sexual>

Understanding Sexual Violence: Prosecuting Adult Rape and Sexual Assault Cases

A four-day model curriculum

This curriculum for prosecutors uses a case file to explore issues surrounding the prosecution of nonstranger rape cases including: the effect of rape myths and stereotypes on charging decisions, victim treatment, forensic evidence and sexual assault examinations. The curriculum comprises a Faculty Manual, a Participants' Binder, and Resource Books, which include reports, articles, and excerpts that allow participants to consider this subject in greater depth. The Faculty Manual and Participants Binder are available for free online. The Resources Book Vol. I & II is only available in hard copy and can be purchased separately.

To learn more and order online:

<http://www.legalmomentum.org/store/understanding-sexual-violence-prosecuting-adult-rape-and-sexual-assault-cases-entire-set>

Free online binder:

www.mincava.umn.edu/documents/usvpros

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NATIONAL JUDICIAL EDUCATION PROGRAM*

395 Hudson Street, 5th Floor, New York, NY 10014
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ORDER ONLINE at www.njep.org

THE UNDETECTED RAPIST & A RESPONSE TO “THE UNDETECTED RAPIST”

“The Undetected Rapist” is a powerful and disturbing DVD which may be triggering for viewers. Do not watch it alone, and do not show it without a skilled facilitator.

This DVD is a seven-minute re-enactment of part of an interview conducted by Dr. David Lisak. At the University of Massachusetts Boston, Dr. Lisak is an Associate Professor of Psychology and Director of the Men’s Sexual Trauma Research Center. He and other researchers across the United States and Europe conduct research to answer a conundrum. The number of women who have been victims of rape vastly outnumbers the number of men indicted, much less convicted, of rape.¹ Who are these “undetected” rapists?

The research methodology utilized by Dr. Lisak and others is this: men on university campuses are invited to participate in a written survey on life experiences, including sexual experiences. Embedded in the survey are questions such as: Have you ever had sexual intercourse with an adult when they didn’t want to because you used physical force (twisting their arm, holding them down, etc.) if they didn’t want to cooperate? These questions are framed to meet conservative legal definitions of rape, attempted rape, and other forms of sexual assault. Respondents are only asked behavioral questions; they are not asked whether they have committed rape or other criminal acts. The researchers then interview the respondents who say “yes” to the questions about forced sex.

Dr. Lisak’s research has documented statistics like the following. In one sample of 1,882 men, the subjects were representative of the diverse American population, had an average age of twenty-eight, and were employed and attending college part-time. The results revealed that **120 men had committed 483 rapes against women they knew. None of these rapes were ever reported.**

Of these 120 rapists, 44 men committed a single act of rape and 76 were serial rapists who committed 439 rapes, an average of nearly six rapes per rapist.

The research on undetected rapists shows the same pattern as is found among incarcerated rapists: a small number of men commit the majority of crimes. But these undetected rapists do not reflect the stereotypes about rapists that have been derived from the incarcerated population or invented to explain the phenomenon of rape.

¹ The most recent study of rape victimization comes from the Centers for Disease Control Division of Violence Prevention, *The National Intimate Partner and Sexual Violence Survey* (2011) and is available at http://www.cdc.gov/ViolencePrevention/pdf/NISVS_Report2010-a.pdf. According to this report, 21,840,000 living American women have been victims of rape (which includes completed forced penetration, attempted forced penetration, and completed alcohol/drug facilitated penetration) over their lifetime, p. 18.

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

In the course of twenty years of interviewing these undetected rapists, in both research and forensic settings, it is clear that the stereotypes about rapists are false. The stereotype of a rapist is a ski-masked stranger who jumps from the bushes with a knife or gun and inflicts terrible, visible injuries on his victim. The reality is 180° from this stereotype.

In fact, the vast majority of rapists:

- Know their victim;
- Have access to consensual sex;
- Are educated and employed;
- Come from every racial, ethnic and economic group;
- Are not mentally ill;
- Plan and premeditate;
- Rarely use weapons;
- Rarely inflict serious visible injuries;
- Use only instrumental violence, meaning only the level of threat or force needed to terrify and coerce their victims into submission;
- Use psychological weapons—power, control, manipulation, and threats—backed up by physical force, and almost never resort to weapons such as knives or guns;
- Use alcohol deliberately to render victims more vulnerable to attack, or completely unconscious;
- Are as likely to be serial and multi-faceted offenders as are incarcerated rapists.

What is also clear from this research is that so-called “date rape” is not a pleasant evening gone bad because of too much alcohol. These undetected rapists plan and premeditate. They have a scheme for getting their victims into a secluded place where they will be vulnerable. Alcohol is part of this plan, intended to make the victim vulnerable.

A Related DVD—“A RESPONSE TO *THE UNDETECTED RAPIST*”

This 23-minute DVD was produced by IMPACT Personal Safety in conjunction with the National Judicial Education Program (NJEP). The first part is NJEP’s DVD is *The Undetected Rapist*, in which a never-reported college-student rapist is interviewed. This is followed by three focus groups: one group is all women of diverse ages and backgrounds, the second group is all men of diverse ages and backgrounds, and the third group is women and men meeting together. The responses from these focus groups are a powerful catalyst for discussion.

To order “The Undetected Rapist” or “A Response to *The Undetected Rapist*,” please visit NJEP on the Web at:
www.njep.org

Or fill out and send or fax the attached order form to:

Legal Momentum
National Judicial Education Program
395 Hudson Street, 5th Floor
New York, New York 10014-3684 (212) 413-7554; Fax
(212) 226-1066
E-mail: njep@legalmomentum.org

A Discussion Guide to “The Undetected Rapist”

“The Undetected Rapist” is a powerful and disturbing DVD which may be triggering for viewers. Do not watch it alone, and do not show it without a skilled facilitator.

This reenactment of an actual interview with an undetected rapist is intended for use as an educational and training aid. It has been used across the United States in professional training seminars for judges, prosecutors, law enforcement personnel, victim advocates, SANE nurses and other groups involved in victim services and the criminal justice system. It has also been used in community education and prevention programs for students and educators in higher education.

The DVD should not be shown in the absence of a knowledgeable facilitator who can explain its context and guide discussion of the content. The interview can be disturbing to viewers; it can also be misunderstood. It is therefore imperative that it never be shown without a facilitator.

It is very likely that the DVD will evoke many questions and comments from viewers, and these spontaneous responses should always inform the facilitator’s guidance of the discussion. However, the following questions and answers may help in focusing viewers on some of the most important implications of the DVD.

Note to Facilitator:

Viewers may distance themselves from Frank’s behavior and dismiss him as an atypical rapist because he uses force (choking) to restrain his victim. In this case, it is important for the facilitator to bring viewers back to the specific language and tactics Frank uses, all of which distinguish him as a rapist, whether or not he chose to use force. It is important to emphasize that Frank’s use of physical force is only one of the many dangerous behaviors he exhibits, and that a rapist does not have to use force in order to commit a rape.

How is this research conducted?

Researchers administer a survey about a wide range of life experiences to a large sample of men. Embedded in the survey are behaviorally-based questions based on a conservative definition of rape and attempted rape, such as “Did you ever make someone have sex with you when she did not want to by using force (for example, holding her down)?” Survey respondents who say “yes” to these questions are invited to participate in an interview, during which they are asked about the incidents that led them to answer these questions affirmatively. Over the years of conducting this research, the men who said “yes” to these questions spoke freely and with no remorse about what the rapes and other acts of interpersonal violence they had committed. Only one interviewee asked whether he had done anything wrong.

How would you describe the “typical rapist”?

It is still widely believed that rapists typically attack strangers out in the open, during the dead of night and use knives and guns, inflicting brutal injuries on their victims. In truth, only a small fraction of rapists attack strangers. Most rapes are non-stranger rapes that involve premeditation, and very few rapes result in visible, physical injuries.

Is Frank a typical rapist?

Frank can be described as typical in that he is a non-stranger rapist. The vast majority of rapes are committed in a manner very similar to the assault committed by Frank. Although Frank admitted to choking his victim, many rapes are committed without the use of any physical force.

Did Frank premeditate the rape he described?

Frank devoted considerable time and energy to planning this rape. Note Frank’s language. He “targeted” first-year college women, his “prey,” because they were more likely to be naïve about his ruses and manipulations. Using these animalistic terms, Frank de-humanizes his victims and therefore distances himself from the young women and the fact

that he is doing something wrong. Frank ensures that they will come to the fraternity party by emphasizing how much of an “honor” it is to be invited. He helps produce the high-alcohol punch used to intoxicate the victim and he helps set up the “designated” room where the rape was to take place.

If Frank’s premeditation and planning had not occurred, but he still had non-consensual sex with the young women at the party, would his actions still be considered rape? Do you think this is a typical situation?

Yes. If Frank forced the young woman into having sex, even if he had not planned out how he would do so, his act would still be considered rape because he did not have her consent.

What was Frank’s *modus operandi*?

As soon as Frank’s “target” arrived at the party, he focused his attention on her. He immediately began plying his victim with drinks to ensure that she quickly became intoxicated. Once the victim had been lured to the “designated” room, he began his physical/sexual advances. The “designated” room was a room which all members of the fraternity knew was set aside for this purpose. Personal belongings were removed from it, and it was usually as far away from the “action” of the party as possible, so that there would be no chance of interruption or interference. Frank’s use of violence and intimidation was graduated, which is typical of these assaults. He used just enough force – using his body weight to pin his victim down on the bed and then placing his arm across her wind pipe – to terrorize her and ensure that she would submit to the rape.

Do rapists like Frank rape again?

Research indicates that the majority of non-stranger rapists are serial offenders who rape repeatedly, and who also perpetrate other forms of interpersonal violence, such as domestic violence and child abuse. Indeed, in other parts of the interview not reenacted here, Frank disclosed that he had raped other women in a manner very similar to the rape he describes in the DVD.

Was Frank ever prosecuted?

No. The vast majority of rapists in the U.S. are never prosecuted. In fact, only about 15% of rapes are reported to authorities, and of those, very few are successfully prosecuted. Of those that are successfully prosecuted, most are stranger assaults. In recent years there has been a concerted effort to educate the justice system and the public about the fact that most rapes are committed by non-strangers and to bring these cases into court. As a subject in a research project, Frank’s participation was protected by federal laws that protect human subjects. As such, the information he disclosed could not be used to initiate a prosecution. However, the information obtained from these studies has been widely published and disseminated to help further rape awareness and prosecution across the U.S.

Did the researcher who conducted the interview tell Frank that he had committed rape?

No. The same federal laws governing the treatment of human subjects in research prohibit a researcher from saying anything to a subject that might significantly change that subject’s view of himself. In this case, telling Frank that he was a rapist would clearly have been prohibited.

**THE UNDETECTED RAPIST &
A RESPONSE TO "THE UNDETECTED RAPIST"**

The Undetected Rapist is a re-enactment of an interview conducted by Dr. David Lisak, excerpted from the National Judicial Education Program's DVD curriculum, *Understanding Sexual Violence: The Judge's Role in Stranger and Nonstranger Rape and Sexual Assault Cases*. *A Response to "The Undetected Rapist"* is a DVD of the interview of the never-reported college-student rapist and the responses of women and men of different ages and backgrounds to this interview.

DVD Order Form

Name: _____

Organization: _____

Address: _____

Phone: _____ Fax: _____

Email: _____

Number of *The Undetected Rapist* DVDs at \$15.00 each: _____

Running time: 6 minutes, 18 seconds

Number of *A Response to "The Undetected Rapist"* DVDs at \$15.00 each: _____

Running time: 23 minutes

Please remit your enclosed payment in the amount of _____ to Legal Momentum, earmarked for NJEP. You may pay by check or credit card. If you wish to pay by credit card, please complete the following:

Check one: ___ Visa ___ MasterCard ___ American Express Card Number:

_____ Exp. Date: ___/___

Name on card: _____

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Mail your order form and payment to:

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

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National Judicial Education Program

A project of **LEGAL momentum**

Intimate Partner Sexual Abuse: Adjudicating this Hidden Dimension of Domestic Violence Cases

A Free Web Course & Resource for Judges & Other Justice System Professionals

"This course is superb. Every judge, prosecutor, public defender, probation and parole officer, and police officer should take it. I highly recommend this course for all involved in the criminal justice system. Well done and thank you. I will be a better judge as a result." - A California Judge

Sexual abuse is far more prevalent in cases involving other forms of intimate partner violence than is generally recognized.

Recent research with battered women reveals that intimate partner sexual abuse is a hidden but frequent aspect of family violence with significant implications for the courts, particularly with respect to risk assessment.

The term "intimate partner sexual abuse" encompasses a continuum of behaviors from verbal degradation relating to sexuality to felony-level sexual abuse and torture. Cases involving this type of abuse present complex challenges for the judiciary, beyond the overarching goal of protecting victims and their children while ensuring due process for the accused. Intimate partner sexual abuse is an important factor in risk assessment; in decision-making in civil, criminal, family, juvenile and probate cases; and in custody and visitation determinations. Thus, it is important for the justice system to have strategies that encourage victims to disclose such abuse and resources for effective offender dispositions and management.

Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of Domestic Violence Cases provides current interdisciplinary research from law, medicine and the social sciences. Registrants for this course will learn about the implications for the courts of the

severe impact of intimate partner sexual abuse, how the law itself often undermines victim safety, how to create a court environment in which victims feel safe disclosing, cultural issues that affect disclosure, which risk assessment instruments include intimate partner sexual abuse as a factor, how to assess the capability of batterer intervention and sex offender treatment programs to address intimate partner sexual abuse and more.

The course was written with a focus on judges but the research and materials cited are useful for all justice system professionals. In addition to thirteen modules, the course consists of self-tests and answers, reflection questions, civil and criminal case studies, questions and commentary.

This online course was developed and written by the Rozier E. Sanchez Judicial Education Center of the New Mexico Institute of Public Law at the University of New Mexico Law School. Funding was provided by the State Justice Institute and the Department of Justice Office on Violence Against Women.

Instructional design and technology were provided by the Rozier E. Sanchez Judicial Education Center of the New Mexico Institute of Public Law at the University of New Mexico Law School. Funding was provided by the State Justice Institute and the Department of Justice Office on Violence Against Women.

Course Modules & Case Studies

- MODULE I:** Defining Intimate Partner Sexual Abuse & Assessing Its Prevalence
- MODULE II:** Victims & Offenders
- MODULE III:** Risk Assessment
- MODULE IV:** Statutory Constraints
- MODULE V:** Why Victims Don't Report
- MODULE VI:** Institutional Responses
- MODULE VII:** Custody and Visitation When Intimate Partner Sexual Abuse is a Factor
- MODULE VIII:** Jury Selection
- MODULE IX:** Evidentiary Issues
- MODULE X:** Marital Privilege & Confidentiality of Victim Records
- MODULE XI:** Cultural Defenses & Cultural Evidence
- MODULE XII:** Orders of Protection, Pre-Trial Release & Dispositions
- MODULE XIII:** Recommendations for Improving Court Response to Intimate Partner Sexual Abuse
- Developing Issues:** Post-Crawford Prosecution & Adjudication of Intimate Partner Sexual Abuse Cases

Case Studies: Eight civil and criminal case studies that provide opportunities to apply the information explored in the modules.

To register for this free online course visit: www.njep-ipsacourse.org

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395 Hudson Street New York, NY 10014
T 212.925.6635 F 212.226.1066
legalmomentum.org



Intimate Partner Sexual Abuse: Adjudicating this Hidden Dimension of Domestic Violence Cases

A Free Web Course & Resource for Judges & Other Justice System Professionals

Course Modules & Case Studies

Module I: Defining Intimate Partner Sexual Abuse & Assessing Its Prevalence

Explores all aspects of intimate partner sexual abuse from forced sex acts to economic mechanisms of coercion. Presents the research on the surprising prevalence of sexual abuse in the context of domestic violence.

Module II: Victims & Offenders

Describes who the victims and offenders are, the profound impact of intimate partner sexual abuse on victims and the misconception that there is an offender profile. Also explores the typologies of marital rape and offenders' rationales for their abuse.

Module III: Risk Assessment

Research documents forced sex as a leading indicator of potential lethality. Domestic violence victims are most at risk of escalating physical violence, sexual assault, and murder when they try to leave. This module discusses risk assessment instruments that address intimate partner sexual abuse as well as the factors influencing separation sexual assault, the risk to the victim and the six types of potential lethality.

Module IV: Statutory Constraints

The origins of and rationales behind the marital rape exemption and the current statutory exemptions and restrictions that make it difficult to bring marital rape cases.

Module V: Why Victims Don't Report

This module addresses the numerous reasons victims do not report intimate partner sexual abuse including fear of the abuser, ignorance of the law and immigration concerns.

Module VI: Institutional Responses

From the clergy to the courts, this module discusses the various ways social institutions help or hinder victims from leaving relationships where intimate partner sexual abuse is a factor and suggests ways these institutions can improve their response.

Module VII: Custody and Visitation

The issues judges should consider when determining custody and visitation awards to intimate partner sexual abuse offenders including heightened risk to the children of sexual abuse and/or physical violence and the psychological impact on children of witnessing intimate partner sexual abuse.

Module VIII: Jury Selection

Ways to identify biased jurors through voir dire and the difficulties of seating a jury in intimate partner sexual abuse cases because of prevalence of sexual assault in society at large and the widespread myths and misconceptions about rape, particularly between intimate partners.



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Module IX: Evidentiary Issues

From rape shield laws to prior bad acts to the criteria and need for expert witnesses, this module discusses the evidentiary issues present in intimate partner sexual abuse cases.

Module X: Marital Privilege & Confidentiality of Victim Records

Determining the appropriateness of allowing spousal immunity in intimate partner sexual abuse cases and the importance of keeping victim counseling and medical records confidential.

Module XI: Cultural Defenses & Cultural Evidence

The balance between allowing evidence about a victim's or offender's cultural background as a defense or mitigating factor in intimate partner sexual abuse cases and the impact on ensuring justice and safety for the victim and the community.

Module XII: Orders of Protection, Pre-Trial Release & Dispositions

Explores the range of actions courts can take to ensure victim safety and offender rights in intimate partner sexual

abuse cases, including whether and how various batterer intervention and sex offender treatment programs address the intersection of sexual abuse and physical violence and judges' role in insuring that the programs to which offenders are sent address this issue effectively.

Module XIII: Recommendations for Improving Court Response to Intimate Partner Sexual Abuse

Provides numerous recommendations to improve access to justice and treatment for victims and offenders in intimate partner sexual cases, as well as suggestions for judges' involvement in coordinated community response within the code of judicial conduct.

Developing Issues

This section includes material on evidence-based, post Crawford prosecution and adjudication of intimate partner sexual abuse cases. New content about emerging issues in the law will be added to this section as they arise.

Case Studies

Four civil and four criminal case studies illustrate the issues that arise in intimate partner sexual abuse cases and provide an opportunity to apply the information explored in the twelve modules.



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Adapting this Online Course to Your Jurisdiction's Law & Practice

This online course was designed to permit states and jurisdictions to add sections to each web page about their own law and practice.

To date, adaptations have been created for Minnesota and the Tribal Courts.

Minnesota

Developed by the Minnesota Coalition Against Sexual Assault

To access the *Minnesota Law and Practice* sections, enter "Minnesota" as your state of residence on the online course's initial registration screen.

Tribal Courts

Developed by the American Indian Law Center of the University of New Mexico in consultation with the Southwest Indian Legal Clinic of the University of New Mexico School of Law

To access the *Tribal Law and Practice* sections, enter "Tribal" in the field "Court Type" on the online course's initial registration screen.

If you are interested in adapting the online course for your jurisdiction, contact NJEP Director, Lynn Hecht Schafran at:

lschafran@legalmomentum.org

This free online course and resource is available at:

www.njep-ipsacourse.org