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Hello. Before we begin I will provide you with a brief overview of how the webinar works. And how you can interact with today's presentation. On the right side of the screen you will see a list of materials related to today's presentation. To download them simply select the file and press the download file button. A browser window will open confirming you wish to download the file. Once you confirm, your download will begin. Below the materials you will see a chat box. Can send messages to other participants in this webinar. The chat entered into the everyone tab will be stored as part of this webinar. Simply type your message into the white field at the bottom of the window. Welcome to the Intimate Partner Sexual Abuse from dating violence to trafficking webinar. Posted by the National Judicial Education Program. I would like to introduce Lynn Hecht Schafran she is an attorney and director since 1981 of the national education program to promote equality for women and men in the courts. Known as NJEP. Much of the work focuses on the intersection of sexual assault and domestic violence. She is the co-author of an education program curriculum, understanding sexual violence, judicial response to strangers and non-stranger rape and sexual assault. It's presented across the country and an extensive interactive web course. Is available for free on the website. Her numerous publications include risk assessment and intimate sexual abuse, the hidden dimension of domestic violence, and medical forensic sexual result -- assault examination. Based on NJEP , curriculum. All of NJEP resources are described in the webinar file box. Lynn's work has been recognized by numerous awards. All of the materials that I mentioned are available in the files box and if you would like a copy of them afterwards, you can send me an email and I will send you the link. I would like to introduce Lynn Hecht Schafran.

Thank you and welcome everyone. In addition to thanking her personally I want to thank the national Council of juvenile and Family Court Judges which provides the technical support to present this webinar. And of course I think the department of justice department violence against women which runs of the education program to be able to do this work. Legal momentum was established in 1970. Established [Indiscernible]. In 1980. The purpose of the national judicial education program is to make judges aware of the possible gender bias across the spectrum of seminal, criminal, juvenile law. Since its inception NJEP has focused on various aspect of adult vixen -- victim sexual assault cases. About 10 years ago started to think about NJEP and basically every other organization that works on the issue of sexual assault had been trying to educate the public about the fact that the vast majority of sexual assaults are committed by someone known to the victim, at that time almost no one had dealt with the issue of sexual assault in the specific context of domestic violence cases. The reality and the prevalence of sexual assault in domestic violence situations was virtually invisible. And that led to our developing the web course that was mentioned, which I will say more about in a moment, and which as she told you is free. On the slide, on the screen now, you will see the learning objectives for this webinar. And I want to mention particularly something in the last slide recommendations and resources for addressing IPSA. Throughout this I will mention a number of resources and some of them I will be able to view information on and others are simply in the resource box for you to look at. We have really tried to provide a range of resources from our own work and many other organizations and I encourage you to take a look. This next slide is about the specific aspects of sexual assault cases in the intimate partner sexual abuse context which makes them different. Some of you may have heard the line from a book called license to rape sexual abuse by [Name unknown]. This is to my knowledge one of the first books written in this area. It came out in 1985. One of the quotations in their book is, when you are raped by a stranger you have to live with the frightening nightmare. When you are raped by your husband, you have to live with your rapist. So usually we think of rape as a one-time event for the victim if you will. And we don't think about someone living in a situation where there is repeated assault. And there is research which I will come to. Extreme betrayal of trust, cultural defenses evoked -- invoked. Risks of ask leading violence and lethality, risk

in custody and visitation determine best terminations, -- determinations. This is an aspect whether has been a few states which do not legislate against a rapist having custody or visitation with the child. You all might want to check your own state legislation and be sure you have that protection for potential victims. We find that jurors trivialize intimate partner rape and treatment programs failure to specifically address it's a. -- IPSA. Let me say a few words about this web course. As Alisa said it is called intimate partner sexual abuse advocating this hidden dimension of domestic violence cases. In one sense it is written for judges but it is completely acceptable and used by people from every possible to split. It has 13 interactive modules on topics ranging from what do we mean by intimate partner sexual abuse to juror deliberations and trivialization course we called this web course intimate partner sexual abuse rather than assault because this is an issue that includes a lot of behaviors which we will talk about which would not be indictable as criminal offenses. But nonetheless are very important aspect of sexual abuse and sexual assault continue on. And need to be developed when one is looking for information about what is really going on in these cases. The web course is very interactive there are civil and criminal case studies. It is also written in such a way that it can be adapted to local law practice. Currently there are adaptations for Minnesota and tribal law and practice. Anyone who thinks they might be interested in adapting it to their own state should be in touch with me and my contact information is the last slide. Another resource that I truly commend to you, I only have one chapter out of the 25, so I can say without padding anybody on the back that this is a book that anybody who works in the field must have. It's called intimate partner sexual violence. A multidisciplinary guide to improving services and support for survivors of rape and abuse. Published in what he 13 and available -- 2013 and available on Amazon. Everything from teen victims to law enforcement response. In the file box I have this cover followed by the entire table of contents. For each chapter there's a thumbnail sketch so you will be able to see what a rich resource this is and how it may pertain to your own discipline. In 2010 the CDC published a survey which I imagine many of you are familiar with. The national intimate partner and sexual violence survey. In that survey they asked questions about various aspects of intimate partner violence and sexual violence. And in their final report this is a quote, nearly 1 in 10 women in the United States has been raped by an intimate partner in her lifetime. This is a slide that has a little more detail. Their number is 9.4% of women have been raped by an intimate partner. Just under 17% have been subjected to sexual violence other than raped by an intimate partner. 8% of men have been subjected to sexual violence other than raped by an intimate partner. What they say in the report is that the number of men reporting rape was so small it could not be generalized. Now when we say, what does subjected to sexual violence other than rate this raped by an intimate partner mean? There are lots of answers but I just want to tell you about one case in New York that I think exemplifies some aspects of this issue. There was a woman named Barbara who was married to a man who is a retired police officer. He was very violent and he forced his wife to watch him masturbate while he wore an adult diaper or women's clothing. You can imagine what it would take to walk into a police department in New York City and say, my husband who was one of you, this is what he likes to do. And I am giving you the smallest example. Of what happened in this case. This all can to light because ultimately she shot this man. As you can imagine there was a major trial and so on. Some of these cases I coined the expression too bizarre to be believed. Because the narratives are so unexpected, shall we say, that really many people simply do not want to believe that there could be men who force their wives to have sex with animals. And I put the words have sex in air quotes. But the reality is this is an area of extraordinary Mary -- extraordinary diversity as to the kind that it use victims are subjected to. So having showed you these numbers, here is a little question for those of you who would like to write into the chat room. This is a judge in Milwaukee with whom we have worked for many years. And when he first began to work on this issue with us he one day said, if a partner is controlling, abusive and violent in the kitchen, the living room and in public, why would he stop the abuse at the bedroom door? And we have acted as if these were to completely separate issues. Domestic violence which is basically physical violence and we are understanding more and more about course of control. And that there is sexual violence which is not the same thing. It's two parallel tracks but they don't intersect. So why do you think we have dealt with these issues as if they are not intertwined? Is anyone going to write in

the chat room? What I see in the chat room is a number of technical problems. I will go forward. I will make a number of comments. Okay, hello Jessica. Because of general discomfort with the topic. I feel it is because most victims of sexual assault do not report. Another, most people are uncomfortable discussing sexual abuse because it is considered the most intimate form of abuse. Fear that the victims won't talk to us about it. All of those of course are part of this problem. I think there is a credibility issue that if I say anything about sexual misconduct, my credibility which is already suspect is going to be down the two entire -- entirely. I want to suggest a major reason we have treated these two issues as if they were to separate issues has to do with it if element of law around marital rape. If you think about the fact that when the reform movement to make domestic violence an issue that police and the courts would take seriously began, marital rape was completely legal. In every state in this country. You had a situation where domestic violence movement grew up in an era where sexual assault was not even something to be discussed in the context of any of these cases. Today, well no state has a complete marital exemption, about half of the states still have some aspect of the law relating to marital rape which holds onto a vestige of the exemption if you will. And very short reporting time. Like 30 days. Or lesser sanctions for the offender. And I encourage all of you to take a look at your state law. It is not enough to find out whether your state law has eliminated the marital rape exemption per se, because there are subtle and not-so-subtle ways in which the law is still an offense on the books. This is a slide repeating what I'm telling you. And giving some dates. With respect to the reforms in the partial exemptions and how long it takes to create reforms, this is a slide about Washington state. In 1983 they eliminated the complete marital rape exemption for rape in the first and second degree. But it took them a very long time, 30 years to eliminate marital rape in the third degree for example where there was no physical force. You see this notion that if it isn't forced kite --, either it's not real rape or you cannot trust the woman reporting it. In a number of states. For example in Illinois limited marital rape exception in 1991. It imposed a 30 day reporting. Which it did not lift until 2004. Great fear of false allegations. Arizona eliminated the marital rape exemption also in 1991, but it made it marital rape a class VI rather than a class II felony. It took them until 2005 to equalize the felony level for marital and nonmarital rape. But in the year 2005 when they equalized the felony levels, they passed a specific law making a false report of marital rape a misdemeanor. So this notion of women lie, false allegations, is alive and well in the land. I'm sure everyone on this webinar knows that. And for those of you not familiar with the data, I can tell you there is very substantial research and these studies come out with a rate of about 2%, maybe maximum 8% and if anyone would like more information about the false allegations, send me an email and I will send you some data. So here is another question for the chat room. If someone is coming in for an order of protection, or she is going in on the criminal side around an assault issue, and she has a lot of evidence about physical violence, why should she introduce any issues relating to sexual abuse, sexual assault, sexual violence? Why not just go with the physical violence issues alone because there is less risk to credibility if she goes that way? I am looking at what people have written. Sexual violence tends to be a taboo subject which makes it difficult for survivors to seek help. Some victims will bring up the mystic violence but not sexual assault is easily. I think what is coming up is maybe, increased legality risk. -- Lethality risk. In Chris -- someone has written about the need for accurate counseling. I asked the question because we really have had a prosecutor -- prosecutors and advocates tell us straight out that if a victim does disclose sexual abuse and sexual assault of any kind to them, they just say, keep that to yourself. We have enough to go on to get you an order of protection to deal with this criminal -- physical assault case. Don't raise the sexual violence aspect you'll undermine your credibility further. But as someone wrote in, one of the key issues around this aspect of sexual assault is that it is a factor for risk assessment. And we will talk about this later, not only is it just a factor, it is a leading factor -- the potential for lethality is very high. If we do not know about this -- level of violence -- what the level of sexual violence is, we really can't know how dangerous the offender is and what the risks are to the victim and as we will speak of later, not only to her children but literally to everyone around her. A word or two about what is intimate partner sexual abuse. What are we talking about? We chose the word abuse for our web course because we wanted to get at the fact that it can start with degrading language. You are not going to get an indictment because your husband called you an

XYZ. But the fact is that this is definitely a part of the continuum an extremely disturbing for the victim. You can all read this, reproductive health issues. A lot of this problem is very specific for teenagers. Coursing pregnancy by putting holes in the condom and so on. Attacking the partner when she becomes pregnant. It's very prevalent and very serious. In the resources that are cited in the chat box and also in that web course, I have many quotations and excerpts from a variety of very valuable sources. This is just one from sexual abuse in South Asia immigrant marriages. Quote most of the time he would force himself on me. After my fourth child my sisters friend suggested I go on the pill. But my husband was reluctant to buy them. He never himself wanted to use condoms or anything and by making me pregnant time and time again he was trying to tie me down to him. Then someone else who is quoted in a book, we have a short list of books in the resources, [Name unknown] wife rape. She says, it started right before the baby was born. When I was pregnant the doctor said not to have relations but he kept want to get and I had hard pregnancies. Here is another slide of sexual abuse for which you're not going to get an indictment which is very prevalent however. Basically extorting the victim. Sex in exchange for money for feeding the children, refusing to pay child support without sex. Refusing essential ethical transportation without sex. That comes from a very specific study. [Name unknown] did, he works a lot in this area. Also from another book that is mentioned in our list in the file box. Many of you may know Diane Russell's book rape in marriage book this is something from a survival. A rule woman is in labor, she's dependent on her husband for the half-hour drive to the hospital. She is pleading that she is in acute pain and he refuses to drive her until she acquiesces. Quote please take me to the quote I beg is another contraction stormed across my body. Not until we had a screw he insisted. Then of course pornography. Making the victim view, imitate or participate. In raw Ohio a sample -- study said 30% said pornography was involved in their assault. This is a quotation from this particular article of Walters. One researcher told -- one woman told researcher that she quote, new that she was particularly at risk of being sexually assaulted after her husband watched pornographic movies. So she made extra ethics -- efforts to avoid him at these times. A woman named Mary Winkler from Tennessee who is charged with the murder of her husband, a lot for trial was televised. And she talked about the fact that among the things that he forced her to do what he did to her, were, was to reenact pornography. And in the TV of the trial, they showed the shoes, they showed clothing, and she said, people said Huckabee did not report this? She said we live in a small town. He was the pastor and I did not see any way out. I did not think anyone would believe me. And so in the end she killed him in self-defense. This is an interesting issue for immigrant victims. What we see in the research is that immigrant men are watching American pornography, and they are saying to their wives, this is a quotation from an article, you can't be shy. You must be bold like these American women. So do what I ask." We are all concerned that pornography is sex education for young people today. And here is a specific aspect of pornography as sex education. Then we have trafficking. What has come to light in recent years more and more is how intertwined intimate partner sexual abuse is with trafficking. Traffickers establish an intimate relationship and then begin to sexually, first physically and then sexually abuse these women and then turn them out and force them into prostitution and trafficking. In a lot of these cases what seems to happen is that they come into the shelters, to the domestic violence service organizations, coming in as the mystic violence or maybe even sexual assault cases. And then as time unfolds, and they talk more with the counselor or prosecutor, it is learned that what is going on is trafficking. There are some very good and -- good screening estimates. One is from the Bureau Institute and we have information about that in the file box. This is a quotation from [Name unknown] who directs the battered woman's legal services. "Sex trafficking is often an extreme form of intimate partner violence in which traffickers are pimps and batterers rolled into one. They use sexual abuse as both an end and a means to keep the maximum -- maximum amount of money from the commercial exportation of their victim and it's a means to keep them in such an acute state of trauma that they cannot mobilize themselves to escape. Not only to traffickers frequently make their victims their lovers, showering them all of the trappings of romantic seduction, in a number of instances they've been known to marry their victims in order to cement their control. And we saw exhibit a of this recently we had a major trafficking trial in New York and there were two women who were seen by the prosecutor, shall we say, as

trafficking victims. But the women did not see it that way at all. I said, these men but us houses. And they cannot understand that they paid for them themselves. And there was no conviction. I want to tell you about this resource. The human trafficking and the state courts collaborative. This is a consortium of the national Council of juvenile and Family Court Judges writing -- who are providing the technical support for today's webinar. The legal momentum the parent organizations and the national judicial education program. The center for court innovation, and the national Association of women judges. It has a wide variety of very useful resources I encourage you to take a look at their website and the resources tab they have an excellent guide and curriculum they have written to use with judges. This way the courts will better understand what trafficking is and how the state court can be involved with improperly within the law in bringing to Justin's those who are -- justice those were trafficking women and children across the country. This slide of forced sex acts may seem to you, while she showing this to us of course we know what this is its part of the problem. But there are some people who do not understand that this is part of the program -- part of the problem. In 2014 in Virginia state Senator. was running for Congress and it made news that when the issue of marital rape exception came up in his state in 2002, he urged that it should not be a crime. He cited the impossibility of convicting husband accused of raping his wife quote -- "when they're living together sleeping in the same bed she is in a 90 and so forth. And there is no injury, note separation or anything, and changing the law would cause the man both enormous fear of the damaged to his reputation if his wife ever filed a false claim." Here is someone who doesn't think at all about the fact that injury, there might be physical injury. That injury might only be profound psychological injury. And as important as it is to be aware of how much violence there often is in these partner sexual assaults, it's also important to realize that sometimes there is no, in the moment violence at all. And that acquiescing out of fear because you know what this man is capable of, acquiescence out of fear is not consent. In one of the resources we are going to example a woman was on her honeymoon with lots of sexual activity. She comes home and one night she declines. Husband gets out of bed, gets his shotgun puts it under the bed she does not say no that night or ever afterwards. Another example is a case that some of you may know of, perhaps not by name, but it is a case that made a lot of news. Amy Castille was a pediatrician in Baltimore. Halls -- husband from whom she was a strange was becoming increasingly violent. She was divorcing him. She had an order protection, temporary order and when she went into the final order, the defense attorney raised the fact that she had had sexual relations with her estranged husband very recently. She could not get the judge to understand that her husband had said to her, the worst thing I could do to is to kill our children and leave you a live to suffer. If he wanted sex, and that is what she needed to do to get him out of the house and protect her children, from increasing violence, she acquiesced. It did not mean she wasn't still afraid of this man. The judge did not get that. And he allowed this man, unsupervised visits with the children and when he ground all three of them in a hotel ballroom, that is when there was a lot of publicity. Sometimes there are courts that do get it. In the web course eyesight a Tennessee case -- I cite a Tennessee case it's a marital rape case and the less asked of intercourse discussed in the case was apparently consensual, but the woman testified that it wasn't really. It was acquiescence. She said, I just wanted the whole thing to be over with. I knew that he was not going to kill me then. But I didn't want to get beaten either. So the court understood that there was some acquiescence out of fear there. It wasn't just that suddenly she was not afraid anymore. In addition to forced sex acts there can also be physical violence immediately before, during and after. One of these quotations from the Kells book wife rate with respect to sadistic acts, she quotes of the wife of a physician. She returns home after [Indiscernible] and he forces her to have oral and anal intercourse. The victim says I told him I could not have intercourse and he told me skin heals in 72 hours. There are many other examples of that kind of experience in the web course. Many other cases. Apologizing after battering is very commonplace. It appears that sex after violence serves several functions for the batter. To him it signifies forgiveness, a form of makeup sex. He is afraid that the victim is going to leave him after he batters her. And so he wants forgiveness and for him having sex equals forgiveness. And then of course if she does want to leave, having sex is a way to force her to stay and perhaps to make her pregnant as a way to make her stay. It reinforces a claim of ownership. In these various sources you can see quotations. I don't care if you don't want

to, you belong to me. The usual if I can't have you no one can. You think you are done with me you'll never be done with be. You are mine. Remember that I will always have you. This is considered part of an apology. This is another question but leading into a discussion of each of these groups. Who are the victims? Basically it can be anyone. This is a quotation from Walter who I mentioned before that is a lot of research in this area. And you recall the slide for the CDC that almost one in US women has been raped by US partner and just 17 objected to some form of sexual abuse other than rape. And Walter says "any woman is a possible object of violence. What differs is not the woman, but the man. If the man is sexually abusive, he will victimize any woman with whom he lives or has lived". I think that is an important observation because it gets at the notion that this couple that is the subject of immediate -- of the immediate concern if they would just break up everything would be fine. Not only ignores account ability for the offender in the immediate case but it ignores the likelihood that he will go on to create more victims unless there is an intervention. And what Walter DeKeseredy writes a lot about is , he does a lot of work in rural communities and he writes a lot about men living in communities where there. Group is very approving of physical and sexual violence. As part of controlling your women. With respect to same-sex partners. The study that I mentioned at the beginning from the CDC was conducted in such a way that they asked questions according to the sexual orientation of the responders. And this is a quotation from the CDC director. "We know that violence affects everyone, regardless of section -- sexual orientation. This report which is a special report they put out in 20 which is a special report they put out in 2013 based on this big study where they published the first data back in 2011, and this is particularly on lesbian and gay men and bisexual and this comment -- suggests that those in this country suffer a heavy toll of sexual violence and stalking committed by intimate. With respect to elders. There is a lot of education going on around the country, judicial education, and if -- as a quit -- about elder abuse from the point of view of financial abuse and physical abuse. The fact that older people can also be victimized by sexual abuse is usually [Indiscernible]. NJEP has an online curriculum called elders of sexual abuse. If that is out there -- that is out there for anyone to use and integrate in your program. It is on our website which is available. It is a PowerPoint and has a faculty manual and resources. It is adaptable to your own state of law and practice. I hope that will be useful to you. Teenagers. It is very interesting until recently we acted as if there were no domestic violence offenders until they turned 21. And then all of a sudden, they turned 21 and start beating your wife engulfment. If you think about it that is absurd. It is hardly surprising that we see numbers like this, one in five teenage girls in a relationship has reported being sexually or physically abused. There is now a very high, a great deal of attention to this issue of teen dating violence. The office against -- of violence against women has many projects underway to focus on this. NJEP is doing work in this area to provide basic information to judges. I mentioned before that there were high levels of reproductive health coercion in this community. A lot of birth control sabotage. And then of course social media. You all know that this is very commonplace in this age group. A tremendous use of social media for good and ill. And there is also the issue of revenge a -- Porton which can also affect adult women as well. But the notion of posting photographs that are shown -- that show individuals in the nude or in provocative poses that were provided voluntarily but intended only for the use and not for the world and up being posted on the web. We now have six states that criminalize this revenge photography as it has been known. -- A federal law is being worked on that will hopefully be introduced this month. In your file box there are a lot of references to materials that the Washington coalition of sexual assault programs has developed on teen dating violence. One of them is even a webinar by a co-author of the book that I recommended so highly, it has curricula and a lot of things to offer. For parents and teenagers in schools. I think you'll find those materials very helpful. The CDC looked at numbers across the board. In terms of the number of incidents, the percentage of victims who were reporting sexual abuse. And then there are studies that looked at women who are known as victims of abuse, who are's seeking protective orders and looking at their data. This is a study that looked at women who were already seeking orders of protection. They had a reported -- they had reported to the researchers, 60% of the hundred and 48 women -- 140 women reported in addition to sexual -- physical violence they had been sexually abused. Not one of them had mentioned sexual abuse in her order of protection. Now the researchers

obtained this information because they used very careful wording. They didn't say have you ever been raped? They did not put labels on it. They used behaviorally-based questions. Have you ever been made to have sexual intercourse against her will ask physically forced to have sex? Use an object on you in a sexual way? The use of behaviorally-based questions is extremely important. Given that not one of these 140 women, 148 women reported it why do you think that nobody in this group mentioned sexual abuse in her petition for an order of protection? Anybody want to write in the chat box? Too ashamed to talk about it. May not know how to identify sexual abuse. This is very common among teenagers. Not realizing that what they are being subjected to is sexual abuse. Have been accused of lying before. We are not -- were not asked about it. I have looked at a lot of the petition order forms around the country and something that I see over and over again is that the forms either don't include -- included sexual abuse at all, no reference to it, or it is in an area that there is a definition of what constitutes a mystic violence that can be the basis of an order of protection. But it is so hard to find it that, I am a lawyer I read these forms and I cannot find it, and I have seen one or two forms where it is really clear. And there are little boxes next to the boxes it says why are you seeking an order of protection. Physical violence, sexual abuse is very carefully labeled, detailed and so on. It might be that somebody would see that and would not check it off initially. But it is a cue that sexual abuse is against the law and something for which you can turn to the courts for protection. A lot of you have been writing about people not reporting. And of course why do people, victims, not report? Here is the last -- list. Fear of the abuser. Overwhelming trauma. Shame in denial. Credibility concerns. Ignorance of the law. Economic dependence. Dependence on immigration status. And as we said no one asked. And sometimes even in shelter programs and rape crisis centers victims are not being asked these questions. With respect to shame, this book that I keep talking about, coeditor is herself a survivor and she runs a web course called Aphrodite wounded. It is specifically about survivors of intimate partner sexual abuse. This is what she said about her own experience. The shame in being raped is particularly bad, I feel physically sick with it. Will I was ashamed of being battered, certainly in terms of the blame it accrued from others, the shame of being raped is more deeply excoriating. I did not think I would ever tell anyone because then they would know I was "dirty" for being raped and also for being beaten. Much more for the battering, the rape seemed like an attack of Mayberry womanhood which I can't feel was disgusting. That kind of response makes a very understandable -- makes it very understandable that victims of intimate partner to mystic -- sexual abuse would feel that they would need specialized court groups. It's not appropriate or comfortable for them to be mixed with survivors of -- who have dealt with corrosive control and physical violence. But have not dealt with intimate partner sexual abuse. And in this book there is a very good chapter about why victims of intimate partner sexual abuse do need specialized support groups where they can feel comfortable speaking among survivors that have the same experience. With respect to ignorance of the law, many women simply don't know that sexual abuse is illegal. In a marital or intimate partner relationship. A woman [Name unknown] used to be a prosecutor in Oklahoma, this is a quote from her. She represents victims of the mystic violence. She said to me education is needed in Oklahoma so that victims know that it is illegal for their spouse to force sex upon them. So many women I talked to about domestic violence are still shocked when they find out that spousal rape is a crime. With respect to religious constraints. Many women will turn first to their faith leaders and some of these faith communities are terrific. They are taking the lead in trying to address domestic violence and it and buy it -- intimate partner sexual abuse. Unfortunately some are not. And in the various books that I have recommended to you, there are quotations, being Catholic I talked to a priest who said that -- a priest to said I should go back if he says he is sorry. In the Islamic community, the Islamic religious committee tends to condemn anyone who seeks protection from an abusive spouse. The actions are considered disloyal to the husband and family. Then issues of rape and culture. This is a quotation from Sarah Buhl. This is a very serious issue, the newspapers are filled even today with the situation at the University of Missouri and how campuses across the country are bringing a new focus on the fact that we are still dealing with a very high level of overt and subtle racism across the country. And the attention right now to over criminal allies and over perspiration for particularly -- over incarceration for men particularly of color. This is a situation where women of color who

are abused by men from their own community feel torn between choosing between their own situation and the community at large. And they can be punished by their community if they go to law. If we are going to deal with the issue of intimate partner sexual abuse in a serious way for everyone concerned, we have to look at the issue of racism in the justice system as well. And that racism interestingly enough, people are very aware of black men who have been wrongly charged with the rape of white women. What is not as widely known is that the rape of a black woman by a black man is the most devalued of sexual abuse crimes. We have a study in one city where jurors, the gradations from a black man raped it wiped woman -- white woman that was the highest since. But a black man who raped a black woman that was only one year. We see that cases involving women of color are the most likely to be ignored by the police and the prosecutors. To have a long way to go on these issues. Cultural defenses. I mentioned this in that opening slide about issues that are specific to sexual assault in this context. The cases that come up where someone who is from a community where they immigrated from another area or the Regis beliefs conflict with the law, shall we say, and these are coming up in marital rape cases. Eight New Jersey case, a young couple, he was living in New Jersey and went home to Morocco, married this young woman and brought her back to New Jersey. He repeatedly raped her. She had an order of protection and then she was given a final order and in his defense the husband said, no men's rape here I did not have a criminal intent. Because in my religion the wife cannot say no to the husband's sexual request. He brought his mom into testify to testify to this. The Family Court view the actions of the -- as culturally appropriate and consistent with his religious beliefs and denied the final order. This went on appeal and then New Jersey Appellate Division reversed holding that the family issue only required general intent not specific intent and also commenting on the fact that cultural defenses and determining the free exercise of religion does not exempt an individual from generally applicable issues of criminal liability. Also just this year there has been an outstanding case from the appellate court in Ontario Canada. A family that had immigrated from Iraq, and it came to light to a child talking to his teacher that the husband was raping his wife, beating his children and when all of this went forward, the judge noted a significant cultural gap between except old behavior in the home country and in Canada. And gave this man an 18 month sentence for really very serious physical and sexual abuse. And the Ontario court of appeals -- manifestly unjust imposed a four-year sentence countered the judges profoundly erroneous claim and said, cultural differences do not excuse or mitigate conduct to hold otherwise undermines the quality of all individuals before and it is a law, it would also create second-class of person in our society. Other issues for immigrants have to do with the concern I mentioned before. If someone is dependent upon her partner for economic support, if she is dependent for getting a green card, she may not know that she can get a new visa, language barriers, problems with interpreters. We have in the national and judicial education on our web course another online curriculum about interpreters in sexual assault cases. There are a lot of issues there. It's not just, we don't want an interpreter who is related to anyone in the case, it's better than not even part of the community. But someone can be very technically proficient and not able to say the words, they don't know the slaying, they don't know the colloquial words. If they can't say the words properly, you can end up with the case where the prosecutor has not approved the elements of the crime. I hope you'll take a look at this curriculum on interpreters. This whole issue of language access in the courts is receiving a terminus amount of attention and it is critical that this aspect of that issue get airtime. With respect to barriers for reporting for people who are concerned about biases against individuals because of their sexual orientation or gender identity, this is a very serious problem. There is an article on relationship violence in lesbian, gays, sexual and transgender communities moving beyond the framework. A survivor says, "I feel like a cannot talk about it. How many therapists, social service providers are going to understand clear, S&M, interracial," it's to come. There is too much explaining to do. Obviously we need a trend this amount of training for those of us who are providing direct services to victims who are executing and defending cases about all of these issues which I have to tell you, I was at the Glamour women of the year awards and there was Caitlin Jenner. She spoke for half an hour. This is truly a moment for education and I hope that it will bring some attention to this issue on a wider area and not just be focused on that one person. In adequacy -- in adequacy of the services. Several years ago a study found that only 31% of

battered women's shelters and 49% of rape crisis centers provided training on marital rape. And only 55% of battered women's shelters and rape crisis centers asked victims about their experiences with intimate partner sexual abuse. You have situations where the marital rape victim is asked to leave the shelter. We don't leave -- we don't deal with rape here. And she's asked to leave the crisis center because, we don't do crisis planning. I'm sure since the study has been done things have improved but it is certainly something we need to be mindful of. There is in this book, a chapter on the importance of cross training on these issues. Again it's something I hope you'll take a look at. The inadequacy of the justice system. Lack of training for law enforcement, prosecutors, judges, court personnel and everyone. On the prevalence impact and indications for risk assessment. Hostile environment. It discourages disclosure. And if there is a disclosure and someone begins the process, then all of a sudden when they are dropping out there called uncooperative witness. But the fact is that they were treated so poorly by the police officer they dealt with, and/or by the prosecutor they dealt with, that they just feel they have to exit the system. They can't continue to participate. What we do know is that in all kinds of cases, the mystic violence and sexual assault, where the victim has support from a trained victim advocate from early on, it makes a criminal -- tremendous difference in their continued participation in the process. That is something we all really need to strive for. I know recesses -- resources are very limited. But it's an important issue. We see what a terminus difference this makes. I mentioned before, I responded to someone who put something into the chat room, Jessica is with the [Name unknown] and NJEP worked with her one year ago and what was coming up in their court system was that victims in domestic violence cases coming into court and they were testifying in an order of protection hearing or related hearing, and all of us doesn't -- all of a sudden while they are on witness stand they start talking about sexual abuse. They had not been screened for and everyone was nonplussed. What do we do now? We have information and additional ground for order of protection. Something that made rise to the level of felony. How do we deal with this? We worked with Jessica to provide training for her judges and her community of service providers because sometimes these issues really are just coming out for the very first time in the courtroom and it is very useful if they can be screened for -- in the beginning so that there are not surprises on the witness stand and then everyone is fostered the courtroom. What do we do next? Turning to offenders. This is from a study of 229 diverse men who were in a batterers intervention program. They were given a paper and pencil questionnaire. It had a whole list of behaviors. It said have you ever done ABC. And 53% of them answered yes to questions about conduct that met the legal definition of rape or sexual assault in the programs stay. And questions the fall into the category that I described earlier, sexual abuse, it's not indictable but it is clearly abuse. But at the end of that longer list there was a question have you ever sexually abused your partner, only 8% of these said yes. So here are some of the behaviors to which men who did not say yes to that labeling question, said yes. The researchers have the survey they can see what to do say yes to and what did you say for the labeling question. 7% of the men who say they did not ever sexually abuse the partner, acknowledged that threatening physical harm if there are refused to have sex. 14% said they had used force to compel the partner to have sex. And among the husband rape in this group, the figure was 28% acknowledged that they had used force. 17% had sex with a partner when she was unable to consent. 6% forcing the partner to use -- view pornography. 40% pressuring their partner emotionally to have sex against her will. Some of these men's used weapons. Some force their partner to have sex with other people, with animals or objects. And they still said no I did not sexually abuse my partner. And of course obviously many of these men engaged in many different forms of this. Here is more data from that study. Going back to how we talked before about apologizing. Using sex as a way to apologize. You see we have 15% of the entire sample, and 25% of the husbands saying basically forced the partner to have sex after a fight, and the researchers described it as a way to repossess women after a confrontation or illogically this is a way to make things better. There is a guy named David Adam who is a psychologist and one of the refers people who ever tried to work with batterers and figure out what made them tick and is there a way to change things. He has written a book called why do they kill? For which he went into prisons and interviewed 21 men who had killed their wives. And as a sort of control group, a comparison group, he interviewed women who had survived a partner's attempt to kill them.

This is what he wrote about this particular aspect. He says, a majority of victims, that is the women who survived, complained that their abuser sometimes demented sex immediately after beating. Several said they had found this to be particularly humiliating. One woman explained, it was like he didn't even care what he just done. Another said it was creepy how he would get all lovey-dovey -- lovey-dovey after smacking me around. With a response to the question is third victim said absolutely he would get mad, explode and then want to have sex. So more about offenders. Using sex to punish the partners. Punishment especially for trying to leave. Evan Stark who many of you know originated the concept of coercive control said he is dealt with many cases where forced anal sex without lubrication is used as a frequent punishment. With respect to the New Jersey case under cultural defenses, in addition to raping his wife, the husband is very annoyed that she did not how to cook -- know how to cook and could not prepare dinner parties. The punishment for her failure is a homemaker, he pinched her breasts and thighs for an hour and in a second incident pinched her breasts and genital area and pulled her pubic hair. He raped her repeatedly. The entitlement, I love to give this quote to judges. I remember one time he told the judge that's my wife, you can tell me what to do with her. Well indeed the court can and the question is whether the court will and whether through court monitoring if he is not incarcerated, whether the court will maintain the court order. Again in looking cultural distances. And not even thinking they are actual sexual assault. As we saw in the list of offenders in the study that I just described. Now with respect to assessing and treating offenders, when my colleague who wrote the web course with me she is a attorney here in New York in the first attorney for the very first integrated domestic violence court here in New York, and one of the things we did for the web course was we called around and talk to people who run batterer intervention programs based on a variety of models. And we found that some says we always address intimate partner sexual abuse it is part of our program. There were some who said, well if it comes up, if someone mentions it in the batterers group, if someone mentions it in the partner group then we will take it up. And then we ran into one group run by a group of nuns who said, we don't have to deal with sexual assault here because we don't handle stranger cases. So the treatment of that orders, and I'm not going to deal with the question of [Indiscernible-low volume] what I'm going to address solely here is batterer intervention programs are often failing to address intimate partner sexual abuse and results. I don't know whether you have in your state you certify your programs or you have standards, but it is very important that these programs do incorporate issues of sexual abuse and sexual assault in their batterer treatment programs. Otherwise people walk out and they think that that part of what they have done is not a problem. They don't have to stop. Let's go back to the check group before I go to the next slide. What is the biggest myth about marital and intimate partner rape? That it does not happen. That a husband cannot rape his wife. I'm reading the chat room. That it is in frequent. But it occurs to women by men. That if you're married it's not rape. It's not as scary or extreme as stranger rape. No harm done says Sarah Smith. The biggest myth of course is that it does no harm. The couple is used to having sex and this is like the guy, like one night she did not feel like it and he thinks that is going to be charged as marital rape. And the fact is that marital and intimate partner rape have tremendously negative impacts on the victim both psychologically and physically. I will show a very short clip from a DVD that was created by the office of Justice program this is a young woman, named rebel and she was the victim of domestic violence. Her husband has gone so far as to threaten to have her killed. And this is what she says in the last part of this interview just focused on intimate or sexual assault.

Hello everyone. For the video clip you will only be able to hear it over your computer speaker. For those of you listening over the phone, if you would like to meet your phone or turn it down and then turn up at your computer speaker so you can hear the video that would be great. And afterwards you can go back to listening over the phone. I will hit play right now.

He was sexually abusive. I think of all it was the most painful. And still the hardest to get past. When you're in a relationship with someone that you love, and they use sex forcefully, it is devastating. Demoralizing. I

have gone to the point where I know I am better off without him. And I am moving forward. Me being a victim of domestic violence has really affected my entire family and friends structure. For the longest time it was the elephant in the room. They tiptoed around all of the issues. The fear has eased a little but it is still there. It is still fresh enough. Emotionally, I just can't imagine going out on the date again. Or getting into a relationship again. I can't imagine being intimate. I'm afraid that if I put myself out there it will happen again.

May I speak again?

Absolutely.

I do not know. Apropos of rebel saying the forced sex was the worst of it, I just want to read a quotation from another survivor. She says, it's hard to measure what was worse. It was in my experience there are different kinds of worst. The physically worst, the psychologically worst Morley worst, but what is worse instead of change over time. In a relationship the beating seemed the worst. Certainly they were the most physically dangerous. I really gave the sexual violence sexual -- a second thought. In the aftermath I would discover that the rapes had caused the deepest, most intimate damage so in that respect I would consider that the worst.

This is a notation from a judge who really got it. You can read this on the screen where he is simply rejecting totally the notion that force -- forced sex is not as serious an offense if the victim and perpetrator are married. This attitude shows up in a lot of places like I mentioned before with jurors. And in the Houston study that I mentioned before, 148 women who were seeking orders of protection, 46% of women reported rape as the most upsetting trauma and developed PTSD compared to 20% of those for whom physical attacks were the most dramatic. Putting 2% of sexually assaulted women reported suicide threats or attempts within 90 days of applying for the protective order compared to 4% of women who suffered physical abuse only. And then with respect to physical impact. In a situation where there is quote unquote, one-time rate for the victim, usually there is a weapon used. Very rarely is there serious physical injury. Victims do not resist physically for a variety of reasons. They maybe dissociating, they maybe chronic mobility -- immobility, they may make a strategic decision to acquiesce, that in these situations where there are repeated rapes and the date on this from the Justice Department, this is a 2000 study, over one half of women raped by an intimate partner said they were victimized repeatedly by their partner. Overall the average was 4.5 rapes by the same partner. Some reported being raped 20 times. Long-lasting physical consequences. With respect to the transmission of HIV, there are a lot of materials on the web about the intersection of intimate partner sexual abuse and HIV. Now turning to risk assessment. At the very beginning when we talked about why is important to know whether there is sexual abuse as well as physical abuse going on, risk assessment was mentioned. And indeed, what we know of course you all know this and I am showing the slide again, separation is the most dangerous time. But sometimes we need to be reminded. We know from Jackie Campbell that this is a very dangerous, this is a factor of high danger lethality. As I said before it is a risk not just for the victim and her children but everyone around her. And there are cases in which the abuser, he is killed himself, killed the whole family, killed his victim. He is killed a third party, a bystander or police officer or member of the family. You will see the term them aside -- femicide we're talking about the deliberate term of women. I recently did a program for the American Judges Association and I was -- and it was interesting that in the comments at the end people wrote in and said I had never heard the term femicide before and it really opened my eyes. I'm sure you know these data. Every day women are murdered by current and former boyfriends. With respect to sexual violence as the leading factor in protecting fatality, this is -- Jackie is probably the leading authority on domestic violence related deaths in this country. And her findings are taking all risk factors into account, a batter who subjects his party to forced sex in addition to physical violence is twice as likely to kill her as a batter who subjects his partner to physical violence only. I mentioned to you before this study by David Adams. Who would want to talk with men who killed her victims and then talked to women who had survived. As you can see here the

offenders that were interviewed in prison, they said never been sexually violent. Never even coerced the women that they ultimately kill. But the victims in his comparative group, a very different picture. Three quarters of the women said their partners had a rape them. This is a risk assessment instrument meant -- instrument created in 2014 by the Idaho coalition. What's -- coalition. It's interesting to me is that if you can see the sections that are in red. The idea is that this is for a police officer to use when he or she is called to a domestic situation. There are a whole lot of boxes that can be checked off in terms of what the victim reports is happening in the incident of the moment. But then there are items that are in red. And what the direction is, it says no matter how many other factors are checked off, if any of these items in red are checked, the next of the referral of the victim to a shelter or an advocate within 24 hours before she is -- because she is it serious risk. The items it does not show very well. Has forced partner to have sex. Attended strangulate and extreme possessiveness. I know on some of these instruments they don't include forced sex. And people have asked about why given that Jackie has identified it is such an important factor. I have been told the police officers don't like to ask about this. And other people who put it in their instruments say the police officers in my committee have no problem asking. Then I want to mention custody and visitation. This is from Lundy Bancroft. A very prominent in this field. The history of sexual assault against the mother is linked to increased risk of sexual abuse of the children and increased physical danger. This is from Catherine afford. There is also a citation in the firebox. The sexual abuse of the parent has been seriously neglected despite its potentially severe genetic impact on children. The Houston study again of women that I mentioned before, the children of those women, the children ages 12 to 18 of the women subjected to intimate partner sexual abuse showed the same degree of depressive symptoms as children the same age under treatment for depression. This was significantly higher than symptoms displayed by children of women subjected to physical abuse only. Directly witnessing the rape of a parent is enough in and of its self to bring on PTSD in a child. But it is critical to keep in mind that children do not have to witness either the physical or sexual abuse to be harmed. Exposure literally affects the neurons in the times -- child's developing brain. In the file box is an article published last year called domestic violence developing brains. This spells it out in detail. This is such important information. Because we do see across the country a custody -- custody evaluators with the idea that children are affected by exposure to domestic violence, some judges do the same. We see awards of custody and unsupervised visitation to a violent parent. With very serious repercussions for the children. So to conclude, a few recommendations. I mentioned before, take a look at your state law and see, look at the nuance and see whether you need to be involved in moving some of those odd things like a 30 date reporting.. Right to the media professionals. Use the language of consensual sex to describe sexual assault. This is a big issue because how we language this affects any issue. So in your file box is a guide that was created by a Nevada judge who is unhappy with the case in which he was shot by the domestic violent offender. He wrote a guide for the media about how to cover these cases. You also find a link to the national judicial educational program webinar on a subject that we call raped or seduced how language helps shape a response to sexual violence. On September -- December 10 my colleague is going to give a webinar based on that and I hope that you will listen in. We've been talking about victim service agencies and how important it is to have cross training. We talked about the chapter, what I refer to as the lavender book, we talked about intake forms. We talked about trafficking. In your file box in addition to information about the there a Institute screen for adults, there is information about a screening for children and teens. Which I think you'll find helpful. We've talked about the importance of having specialized support groups for victims of intimate partner rape. We've talked about the batterer intervention programs. How important it is that they absolutely to address sexual abuse and assault with everyone participating in their program. In the justice system, again NJEP does a lot of judicial education around these issues. A lot of education around issues of trauma, and genetic response. Risk assessment. Services, and the fact that judges can be leaders in this area without getting to the limits of the codes of the judicial conduct. We talked before about intake forms. We talked about how important it is that this information be screened and developed before someone suddenly discloses it for the first time in the court. And the importance of using behaviorally-based questions. I don't know how many of you were involved in

criminal cases, but it is really important that the Court -- court allow a thorough jury selection. So that there can be thorough questioning about whether an individual can sit fairly in these cases or will just trivialize, no harm no foul. And the need for expert witness testimony. Why did so not report immediately? And this whole question of corrections and probation and parole and the kinds of treatment programs they are contracting with a behalf of the court when individuals are ordered into intervention treatment. Being sure that those programs are addressing these issues. Again, just a reminder about the web course and this is my contact information. I would be happy to provide any additional information. Again, I do for you once again to the file box. We have a lot of information but together in there. A lot of good resources for many different organizations that I think you'll find helpful. I have hit my limit. I think you so much. Whoever is a wonderful person that this is definitely one of the best webinars I've heard in a while. Thank you so much. Thank you everyone and good afternoon.

I'm going to leave the room open for another couple of minutes. Just so you can finish downloading files. I'm going to put my email into the chat box and if you are having issues downloading you can send me a quick email and I can send them to. Thank you so much and we will close out.

[Event Concluded]