How Language Helps Shape Our Response to Sexual Violence

Presentation Resource Materials

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Utah Crime Victim Conference

Midway, Utah

April 2018

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Joanne Archambault & Kimberly Lonsway, *Sexual Assault Report: Suggested Guidelines for Language Use* (End Violence Against Women (EVAW) International, Mar. 1, 2010).
Permission granted by Joanne Archambault via email on April 19, 2011.

Phyllis B. Frank & Barry Goldstein, *The Importance of Using Accountable Language*, http://www.nomas.org/node/251 (last visited Apr. 25, 2011).
Permission granted by Barry Goldstein via email on April 20, 2011.

Letter from Judith G. Greenberg, Co-Director, The Judicial Language Project, New England Law, to Chief Justice Carol W. Hunstein, Supreme Court of Ga., and Chief Judge M. Yvette Miller, Court of Appeals of the State of Ga. (Sept. 23, 2010) (on file with NJEP).
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Casey Gwinn, *The Birthday Boy*, Sign On San Diego (Aug. 5, 2011, 12:00 AM), http://www.signonsandiego.com/news/2011/aug/05/the-birthday-boy/.
Permission granted by Casey Gwinn via email on August 9, 2011.

Jackson Katz, Language Matters #1: Violence Against Women (1997).
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Jenna Mann, *Jastorff Pleads Not Guilty to More than 30 Counts of Rape*, KDLT News, Dec. 28, 2010,
http://www.kdlt.com/index.php?option=com_content&task=view&id=6866&Itemid=57 (last visited June 8, 2011).
Permission granted by Paul Heinert, News Director, KDLT Television via Email on June 8, 2011.

Letter from Wendy J. Murphy, Co-Director, The Judicial Language Project, New England Law (Apr. 7, 2011) (on file with NJEP).
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Judge Chuck Weller, *Covering Domestic Violence: A Guide for Informed Media Reporting in Nevada,* Nev. Network Against Domestic Violence, http://www.nnadv.org/pdfs/Press_Room/Covering Domestic Violence-Media Guide.pdf.
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Appendix B
Exercise: Jastorff Pleads Not Guilty

Jastorff Pleads Not Guilty to More than 30 Counts of Rape

by Jenna Mann, December 28, 2010 6:16 PM

KDLT South Dakota News – NBC Affiliate
http://www.kdlt.com/index.php?option=com_content&task=view&id=6866&Itemid=57

The Sioux Falls middle school teacher accused of fostering sexual relationships with two 13-year-old girls was back in court today. 26-year-old Nicolas Jastorff entered his plea on more than three dozen counts of rape.

Jastorff, a former special education teacher at Patrick Henry Middle School, faced judges in two counties and pleaded not guilty to all 39 counts against him."

Jastorff was first arraigned in Minnehaha County Tuesday morning on 25 counts of fourth degree rape. He is also charged with two counts of solicitation of a minor and two counts of sexual contact with a minor. Later, Jastorff appeared in Lincoln County on an additional ten counts of fourth degree rape.

Jastorff is accused of maintaining sexual relationships with two 13-year-old girls who attended Patrick Henry. According to police affidavits, he would perform sex acts on the two victims in a classroom at the middle school. The documents show he would visit one of the girls at her home during the summer, and the same victim would go to his home in Harrisburg, where the two engaged in sexual activity.

During his arraignment in Minnehaha County, Jastorff's lawyer asked the judge to lower bond from $1 million to $50,000, on the condition he would remain under house arrest at his parents' residence in Spearfish and would check in daily with the Spearfish Police Department. The judge denied the request, but did lower bond to $500,000 cash only.

Jastorff's lawyer did not request bond be lowered in Lincoln County because he said it was *not* possible for Jastorff to make bail in Minnehaha County.

In Minnehaha County, a trial has been scheduled for March 7. The judge has scheduled a jury trial to begin in Lincoln County the next month, on April 7.

35 of the charges against Jastorff are Class 3 felonies. Each is punishable by up to 15 years in prison and/or a $30,000 fine.

VIOLENCE AGAINST WOMEN

Violence against women continues to be a major problem in U.S. society in the 21st century. Our rates of rape, sexual abuse, spouse abuse, and sexual harassment are the highest in the industrialized world.

Each year, according to national crime statistics, more than one-half million women are raped. Half are raped before the age of 18. Contrary to one of the old myths about rape, most of these victims are assaulted by someone they know, including family members and friends. Rapists come from every socio-economic class and racial background. Most have a "normal" appearance; you can't tell if a person is a rapist by how they look.

Annually, millions of girls are sexually abused. Much of this abuse happens to adolescents. But sometimes girls as young as two or three are abused by members of their own family, or other adults in care-giving roles. The high incidence of child sexual abuse is one of the great tragedies of modern American society.

On average, three women every day are murdered as a result of domestic violence. According to the Surgeon General, battering is the leading cause of injury to women in the U.S. More women are injured by partners or spouses than by automobile accidents, athletic injuries, or household mishaps. Sometimes these injuries result in emergency room visits. Domestic abuse is one of the leading causes of emergency room visits by women. It occurs in every socioeconomic class and racial group. Batterers can be middle-aged, twenty-something, or high school students. They can be stockbrokers or truck drivers. Family violence doesn't discriminate by age or profession.

Millions of girls and women suffer sexual harassment in school, in the workplace, and on the street. One national study found that 83% of the girls responding reported being harassed at school. Women and girls of all racial and ethnic backgrounds are harassed by peers, teachers, and employers.

There are no easy solutions to the problem of violence against women. Over the past two decades, services for rape survivors and victims of domestic violence have improved, although funding for these services is often precarious and frequently inadequate to the scope of the problem. There has also been an increase in the number of programs for sex offenders and batterers, although activists in the battered women's movement still maintain that sentences are typically lenient and abusers are rarely held accountable, either by the law or by their school or employer.

While the problem is deep and widespread, better services for victims, more effective treatment of offenders, and an increased focus on prevention through education and community awareness campaigns offers the hope that one day violence against women will not be such a common event, but rather a rare and aberrational occurrence.

Language Matters #1: "Violence Against Women"
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2

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September 23, 2010

Chief Justice Carol W. Hunstein
Supreme Court of Georgia
244 Washington Street
Room 572, State Office Annex Building
Atlanta, GA 30334

Chief Judge M. Yvette Miller
Court of Appeals of the State of Georgia
47 Trinity Avenue, Suite 501
Atlanta, GA 30334

Dear Honorable Justices,

We are writing to you on behalf of "The Judicial Language Project," a first of its kind program based at New England Law | Boston which uses sociolinguistic research to critique the language used by courts to describe violence against women and children. By identifying both problematic and appropriate words and phrases, we hope to influence the impact of judicial language on law and society.

We have identified in decisions of Georgia appellate courts, the pervasive use of the word "perform" in describing the actions of child victims of sexual abuse. As set forth in more detail below, research shows that this language is harmful to society and particularly to children who have suffered, or are at risk for suffering, sexual abuse.

A review of Georgia appellate decisions in sex crimes cases involving child victims since 1979 indicates the following:

- In 50 cases, the court used the word "perform" to describe the actions of the child victim when a criminal act had occurred against the child.
- In 38 of those 50 cases, the court included the phrase "perform oral sex" or "perform oral sodomy" or some variation thereof.
- In 12 of those 50 cases, the court included the phrase "perform sex acts" or "perform sexual acts" or some variation thereof.

One recent example of the Georgia courts' use of this type of harmful language can be seen in *Moe v. State*, which involved the drugging and repeated raping of a 13-year-old girl over a period of two days. The Court of Appeals wrote that a witness "…saw the victim performing oral sex on Moe." *Moe v. State*, 297 Ga.App. 270, 271 (2009).

The word "perform" is defined as "to adhere to the terms of; [to] fulfill, [as in to] perform a contract; to carry out, to do, [or] to do in a formal manner or according to prescribed ritual."[1] When used to describe the actions of a child, this commonly understood term suggests that the child was morally responsible for his or her own victimization.[2]

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[1] http://www.merriam-webster.com/dictionary/perform.

[2] Janet Bavelas & Linda Coates, *Is it Sex or Assault? Erotic Versus Violent Language in Sexual Assault Trial Judgments*, JOURNAL OF SOCIAL DISTRESS AND THE HOMELESS 30 – 32 (2001).

Use of the word "perform" alongside the phrase "oral sex" exacerbates the problem because sexual terminology connotes mutuality, pleasure and consent.[3] When a term can be understood to mean consensual or pleasurable activity, a crucial distinction in the law between sexual pleasure and sexual violence has been obscured.[4]

Language in judicial opinions influences the way readers interpret and react to the information conveyed.[5] Thus, it is important for courts to use terminology that accurately describes the nature of the event and the legal responsibilities of the parties involved.[6] Words also reflect connotations and social myths that readers may passively attribute to certain ideas and behaviors, without conscious awareness.[7] Thus, terms that suggest pleasurable conduct should be avoided when courts are writing about criminal violence.[8] Language that normalizes sexual violence by bringing the behavior discursively into the range of everyday human activities necessarily inhibits the reader's understanding that a person experienced fear, disgust, objectification, and pain.[9]

In criminal cases involving child victims, it is particularly important to assign complete responsibility to the offender because the child lacks capacity to consent. Thus, rather than "the child performed oral sex", a court could say "the defendant forced/pushed/inserted his penis into the child's mouth." This accurate, if disturbingly blunt, use of language makes it clear to the reader that the victim was a recipient of someone else's harmful criminal acts.

Thank you for your time and attention to this matter.

Sincerely,

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[3] *Id.*
[4] *Id.*
[5] *Id.* at 38 – 39; Collings, S. J., & Bodill, B. M. (2003). Methodological issues in research on child sexual abuse attributions. *South African Journal of Psychology, 33*(3), 170–175.
[6] *Id.*; Cromer, L.D. & Goldsmith, R.E. (*in press*). Stereotyped beliefs, myths, and individual differences that influence believing child sexual abuse disclosures. *Journal of Child Sexual Abuse, Special Issue: Forensic Issues and Disclosures*
[7] Nina Philadelphoff-Puren, *The Right Language for Rape*, EBSCO Publishing (2003).
[8] Bavelas & Coates, *Supra* at 1, 38 – 39.
[9] *Id.*

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April 7, 2011

Dear colleagues,

This past summer The Judicial Language Project at New England Law | Boston sent a letter to the Georgia appellate courts regarding their use of the phrase "performing oral sex" in decisions involving child sexual abuse. As all of you know, Justice Hunstein, Chief Justice of the Georgia Supreme Court, sent us a response in which she thanked us for our critique and promised to be more mindful of the identified problem in the future.

Since that time we have been monitoring Georgia appellate opinions and we are pleased to inform you that courts have, indeed, consistently used more appropriate language in all narratives related to child sex abuse.

One recent example appears in *Mitchell v. State*, 2011 Ga.App. LEXIS 104. Throughout this opinion, the court uses the word "sodomy" rather than "oral sex" to describe the aggravated sexual assault of three child victims.

Another example can be seen in *Loyd v. State*, 705 S.E.2d 616 (Ga. 2011) where the court wrote: "the defendant attempted to anally rape victim, orally sodomized him, and put his penis in victim's mouth".

As a signatory to the Judicial Language Project's letter, we wanted to say thank you for your collaboration and to inform you that our work is making a meaningful difference.

We will continue to update you as to any and all responses and developments from Georgia and other jurisdictions where we have conveyed our concerns about problematic language.

Yours truly,

/s/ Wendy J. Murphy

Co-Director, The Judicial Language Project

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$1,959 Due at lease signing.*
Includes security deposit. Tax, title, license and dealer fees extra. Mileage charge of $.20/mile over 39,000 miles.
SEE DETAILS
*Example based on survey. Each dealer sets their own price. Your payments may vary. Payments are for a 2011 Equinox LS FWD and an MSRP of $23,805. 39 monthly payments total $80,408. Option to purchase at lease end for an amount to be determined at lease signing. Ally Financial, Inc., must approve lease. Mileage charge of $.20/mile over 39,000 miles. Lessee pays for excess wear. Not available with other offers. Residency restrictions apply. Lease delivery by 9/6/11.

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The birthday boy

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By Casey Gwinn

midnight, Aug. 5, 2011

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Gunman kills self, 5 others at Texas roller rink

More than 60% of nation's children exposed to violence, survey finds

San Diego man pleads

It was his birthday. He was 11 years old and all his friends were coming to the roller-skating rink for the party. He was excited and happy. His mom had worked so hard to plan the party and make sure relatives and friends would be there. At 5:30 p.m., it was anticipation and laughter and excitement. By 6:30 p.m., the air was filled with music and action and stolen glances between the boys and girls skating. But at 7:15, the exciting day took an unimaginable turn. Dad arrived and started arguing with mom. And then dad pulled a gun and shot mom in front of the birthday boy and his 3-year-old sister. As dad stood over her, he said, "I told you so." Pandemonium was everywhere. Children were running, people were screaming. Then, dad shot three of mom's family members. The terrified little boy begged for his life as his dad pointed the gun at him. Dad spared his life by turning the gun and killing himself.

There was screaming, terror and weeping. People raced out of the rink with their skates still on. There was blood everywhere. Death was the epilogue of the private birthday party. Police arrived. Ambulances arrived. The birthday boy will never forget it, never get over it, and never live a day without thinking about it.

This horror occurred on July 23 in Grand Prairie, Texas. Within hours it would make the local news and the national news. And the familiar phrases would appear – Fox News called it a "domestic dispute" and WLFI 18 called it a "domestic disturbance." As if on cue when a domestic violence homicide occurs, the media quickly pulls out of their lexicon the clear evidence of their own ignorance about domestic violence. The Associated Press would call it a "spat" between family members. The owner of the roller skating rink said "there was nothing anyone could do

not guilty in domestic violence death

to prevent this," reopened for business the next day and called the shooting "random." Police said the birthday boy and his sister were "not hurt" in the attack. Later, "authorities" were quoted as saying the children were "unharmed."

As I write just days after the killings, no one has called them predictable. No one has called them preventable. No one has called them a mass murder, though the FBI defines mass murder as four murders or more with no "cooling-off period" between the deaths. No one has put it in the context of the four women that are killed every day in this country by their abusive partners. The national news story is fading away in a flurry of stories about the debt ceiling. No one is talking about the protection order that mom had against dad. No one is talking about the lifelong journey of trauma and pain facing those children. In fact, one attendee at the party summed it up for most of America – "This too shall pass."

But don't be deceived. It will not "pass" for the sweet little boy or his 3-year-old sister. They will live with it for the rest of their lives. That "domestic disturbance" will no longer disturb most of the public, but a whole bunch of children will be disturbed for the rest of their lives.

In the tragic aftermath of the mass domestic violence murders, I would suggest that everyone reading this can still honor the young, innocent birthday boy with a gift. Let me offer a few suggestions:

• Members of the media: Pledge to never again use the phrases "domestic dispute," "spat" or "domestic disturbance" when talking about a domestic violence mass murder.

• Police authorities: Never again say that the children were "unharmed" or "not hurt" after witnessing the murder of their parents.

• Caring San Diegans: Ask every elected official to make family violence prevention a higher priority. And donate money to a local shelter or other agency working with children exposed to domestic violence. It is estimated there are 3 million to10 million children witnessing violence in their homes every year.

The birthday boy deserves our time and attention. Will you do something today in honor of his birthday?

Gwinn, a former San Diego city attorney, is president and chief financial officer of the Family Justice Center Alliance.

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COVERING DOMESTIC VIOLENCE: A GUIDE FOR INFORMED MEDIA REPORTING IN NEVADA

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This Guide is endorsed by:

Nevada Press Association

Nevada Broadcasters Association

Nevada Network Against Domestic Violence

Committee to Aid Abused Women

Safe Nest

The author permits -- and encourages -- reporters and editors to make verbatim use of the materials contained within this media guide.

TABLE OF CONTENTS

I. HOW TO RECOGNIZE A DOMESTIC VIOLENCE STORY.....pg. 1

II. QUESTIONS TO CONSIDER WHEN COVERING A DOMESTIC VIOLENCE STORY..... pg. 1

III. MORE IDEAS FOR STORIES ON DOMESTIC VIOLENCE.....pg. 3

1) What is Domestic Violence? .....pg. 3

2) Why Do Victims Stay with Abusers? .....pg. 4

3) What Help is Available for Victims of Domestic Violence? .....pg. 4

4) Six Things to Say to a Victim of Domestic Violence .....pg. 4

5) The Effect of Domestic Violence on Children .....pg. 4

6) Safety Planning for Domestic Violence Victims.....pg. 4

7) The Warning Signs of Domestic Violence.....pg. 5

8) Why are Some People Abusers? .....pg. 6

9) Are You an Abuser? .....pg. 6

10) How Can Abusers be Helped? .....pg. 6

11) Animal Cruelty and Domestic Violence .....pg. 7

12) Domestic Violence and Guns .....pg. 7

13) Domestic Violence Stories of Local Interest.....pg. 7
- Nevada Girl Scouts can Earn Domestic Violence Patch
- Domestic Violence Training for Nevada Judges
- Nevada's Confidential Address Program
- Nevada #1 in Rate of Women Murdered by Men, Again

14) Costs to Society of Domestic Violence .....pg. 9

15) Domestic Violence and Specific Populations.....pg. 9
- Dating Years
- Elderly
- Tribal

Military
Lesbian, Gay, Bisexual, Transgender and HIV-affected
Immigrants

16) Domestic Violence Statistics .....pg. 10
Nevada
National

17) Domestic Violence and Nevada Law .....pg. 11

18) Domestic Violence and Federal Law .....pg. 12

IV. NEVADA DOMESTIC VIOLENCE RESOURCES .....pg. 13

1) Publications .....pg. 13

2) Policy Organizations .....pg. 13

3) Domestic Violence Services .....pg. 14

11

I. HOW TO RECOGNIZE A DOMESTIC VIOLENCE STORY

It is a domestic violence story if there is now, or was in the past, an intimate or family relationship between the perpetrator and the victim of violence.

II. QUESTIONS TO CONSIDER WHEN COVERING A DOMESTIC VIOLENCE STORY

1) **Have there been prior incidents?**
Acts of violence are often portrayed as an isolated incidents when, in reality, they are part of a pattern of conduct. Particularly if family members express surprise at the attack, it is easy to slip into a suggestion that the person just "snapped" or had an uncharacteristic lapse of control. A more accurate and complete story will result if prior conduct is also reported. Look for a history of controlling behavior. Review court records for prior criminal, divorce, child custody, parental rights and Temporary Protection Order (TPO) cases. Check law enforcement records for prior arrests and police response to allegations of domestic violence involving the same persons or address.

2) **Who can speak for the victim?**
An abuser's justification for violence commonly involves blaming the victim or the "system." The victim and the "system" may not be free to dispute the abuser's allegations because of fear, or because of physical or legal constraints. Presentation solely of the abuser's point of view implies that the abuser's violence was justified or motivated by the behavior of someone else.

3) **Why did this happen?**
Warning signs of domestic violence are understood. Victims can be protected. Abuse is a learned behavior. Any implication that the crime was inexplicable is likely incorrect. Contact an expert to give you insight.

4) **What's the true portrait?**
It is incorrect to imply that "normal" or successful people aren't typical perpetrators of domestic violence. In fact, domestic abusers often present two images: skillful in social and business settings but controlling and obsessive in intimate relationships.

5) **What language should describe domestic violence?**
It is good practice to use the term "domestic violence" in describing the crime. Give the public a vocabulary with which to identify a social issue. The United States and most of its communities have been engaged in a massive effort for more than three decades to provide resources to address the societal problem of domestic violence. Acknowledge the existence of that effort and the availability of those resources by correctly labeling the conduct you are reporting.

12

6) **Are authoritative points of view available?**
Seek a statement from, or consult with, a local domestic violence advocate or a recognized domestic violence expert.

7) **How much do friends and neighbors really know?**
Use statements from associates of the abuser with caution. Domestic violence is often unknown to friends and neighbors until it becomes murder. Balance statements that express surprise at the abuser's conduct with any record of past controlling behavior and information about domestic violence.

8) **Were they separating? Was she pregnant?**
Domestic violence often is worst when the victim tries to separate or during pregnancy because the abuser's control of the victim's behavior is threatened.

9) **Where can more contextual information be obtained?**
Information from this media guide may be used to add context and depth to a story about domestic violence. See below for more story ideas.

10) **What is the impact beyond this victim?**
Experts can help describe the impact of the domestic violence on children, families, employers, the community and the larger society.

11) **How can victims get help?**
Include local contact information for domestic violence services. Many victims are unaware of the available support and, except through your reporting, may by unable to safely access this information.

12) **How can abusers get help?**
One way to help prevent future domestic violence is by providing information to allow present and potential abusers to identify themselves, to understand that change is possible and to seek help to change their behaviors.

13) **Can a story make things worse?**
Reporters should be aware that abusers use news reports to threaten their victims with similar fates or to reinforce the belief that, like the victim in the reporter's story, the victim will be humiliated and not believed. Reporters can reduce the likelihood of this perversion of their reporting by following these suggestions.

III. MORE IDEAS FOR STORIES ON DOMESTIC VIOLENCE

1) WHAT IS DOMESTIC VIOLENCE?

The meaning of "domestic violence" can be a source of confusion for the media and the public because important groups use different definitions for the term. Among others, common definitions include the following:

a) The laws of many states use the term domestic violence to embrace any act of actual or threatened violence between individuals within a family or household.

b) Some scholars, mainstream women's groups, and domestic violence educators use the term "domestic violence" almost exclusively to refer to acts occurring as part of a pattern of control. For example, the U.S. Department of Justice, Office of Violence Against Women, defines domestic violence as "a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone."

   Domestic violence, as a course of conduct, is also described as "battering." This violence requires the greatest use of medical, shelter and law enforcement services and is the most lethal, overall, in domestic situations. Studies show that 85 percent of victims are women.

c) Some scholars and mainstream men's groups refer to single instances, or isolated acts as domestic violence. They describe one-time assaults, committed at times of high stress, which are not part of a pattern of conduct intended to create or maintain power and control.

   Studies suggest that while this may be the most common variety of violence between family members it results in less injuries and less severe injuries than domestic violence that is part of a pattern of control. These studies suggest that men and women are victims more or less equally of this kind of violence.

   Reporters should be alert that confusion and controversy often result when any definition of "domestic violence" is advanced as the "only" definition. For example, women's and men's groups frequently offer seemingly contradictory statistics on the gender of domestic violence victims. The resolution of apparently conflicting views is, sometimes, that groups are using the same term to refer to different types of violence that occur within domestic settings. The media can attempt to avoid misunderstanding by providing explanation where appropriate.

2) WHY DO VICTIMS STAY WITH ABUSERS?

Victims of domestic violence are often compelled to remain with or return to their abuser. The reason for staying or returning may include physical safety, love, economic dependence, the well-being of children, cultural belief, or a hope that the violence won't happen again. Leaving an abuser can be dangerous because violence often gets worse when the abuser's power and control are threatened by separation. Although it might appear irrational to someone who has never shared the victim's experience, the phenomenon of a victim staying with or returning to an abuser is common. Victims should be educated about domestic violence and encouraged to engage in safety planning, but should not be blamed.

3) WHAT HELP IS AVAILABLE FOR VICTIMS OF DOMESTIC VIOLENCE?

A list of domestic violence programs in Nevada, together with information on shelters, crisis call lines and other available services is available at:
http://sos.state.nv.us/information/cap/agencies.asp;
http://www.ag.state.nv.us/dv/nv/programs.htm;
http://www.nnadv.org/members.html.

4) SIX THINGS TO SAY TO A VICTIM OF DOMESTIC VIOLENCE

a) I am afraid for your safety.
b) I am afraid for the safety of your children.
c) I am afraid it will only get worse.
d) You are not alone: I am here to help you -or- I can help you find someone who can help.
e) You don't deserve to be abused. No one deserves to be abused.
f) It is not your fault.

5) THE EFFECT OF DOMESTIC VIOLENCE ON CHILDREN

The emotional stress of exposure to domestic violence can harm the development of the brain and impair cognitive and sensory growth in infants and toddlers. Children exposed to domestic violence have more health problems, poorer school performance and more behavioral disturbances than children not exposed to domestic violence. Babies have a harder time developing a bond with mothers who are abused than with mothers who are not abused.

For further information visit the Family Violence Prevention Fund at: http://endabuse.org/userfiles/file/Children_and_Families/Children.pdf or the local resources identified in this media guide.

6) SAFETY PLANNING FOR DOMESTIC VIOLENCE VICTIMS

Victims can increase their own safety and prepare in advance for the possibility of further violence. Planning might include teaching children to call emergency numbers, removing guns

from the home, keeping some money and an extra set of car keys with a friend, and dozens of other strategies that have been successfully used by other victims.

For further information about safety planning visit the National Domestic Violence Hotline at: http://www.ndvh.org/get-help/safety-planning/ or the local resources identified in this media guide.

7) THE WARNING SIGNS OF DOMESTIC VIOLENCE

Physical Domination
Actual or threatened strangulation, hitting, kicking, biting, restraint, destruction of property, injuring pets, reckless driving, display of weapons.

Financial Domination
Withholding of money for discretionary spending, preventing the victim from working or causing termination of employment.

Emotional Domination
Threats of suicide, removal of children, or deportation, other threatening behavior, destruction of self-esteem, name-calling, yelling, rule making, unreasonable jealousy, accusations of infidelity, humiliation.

Social Domination and Isolation
Limiting or eliminating the victim's relationships with friends or family and employment, interrogating children, stalking, cyber stalking, opening the victim's mail, monitoring the victim's phone calls, activities, associations, appearance.

Sexual Domination
Forcing or withholding sex, affairs, sexual exploitation.

Litigation Domination
Harassing, retaliatory, delaying, economically coercive legal tactics.

Animal Cruelty

Separation
Separation of the victim from the abuser threatens to break the abuser's control of the victim. Abusers often react to this threat by strongly re-asserting control. Periods of actual or impending separation are recognized as the most dangerous for victims of domestic violence.

For further information visit the Centers for Disease Control at:
http://www.cdc.gov/healthmarketing/entertainment_education/tips/domviol.htm or the local resources identified in this media guide.

8) WHY ARE SOME PEOPLE ABUSERS?

Abusers come from all economic, educational, ethnic, and religious backgrounds. Many domestic violence abusers are not a one-time assailants acting out-of-character in a stressful circumstance. Abusers are not acting in self-defense. Some abusers use a pattern of coercive techniques to control their victim. These abusers believe they are entitled to control their victims. Abusers often show a pleasant and charming personality to their acquaintances and the public and a controlling, threatening personality to their victim. Many abusers learned their controlling behavior as children by observing the abusive conduct of their parents or other adults.

9) ARE YOU AN ABUSER?

a) Do you call your partner or your children names or swear to get them to do things the way you want them done?
b) Have you ever threatened, pushed, slapped, hit or choked your partner?
c) Have you ever thrown, broken or damaged something during a disagreement?
d) Have you ever tried to make a partner leave or stop a partner from leaving during a disagreement?
e) Have you ever stopped your partner from reporting your behavior to the police?
f) Do you decide which friends and family your partner can associate with?
g) Are you controlling or unreasonably jealous? Does your partner think that you are?
h) Is your partner afraid of you?
i) When you do something that hurts your partner, do you expect your partner to accept your apology without any change in your behavior?
j) Are your children afraid of you?
k) Have you ever been accused of mistreating your children?
l) Do you think you are abusive?
m) Do you blame your behavior on your partner? On stress, alcohol or drugs?
n) Are you concerned that your behavior is damaging to your partner, your children or your relationships?
o) Have you tried to change your behavior and failed?

10) HOW CAN ABUSERS BE HELPED?

People are not born as abusers. Abuse is a learned behavior. There is reason to hope that abusers can learn acceptable ways of dealing with conflict within relationships. Unfortunately, most standard interventions for behavior modification don't work well with domestic violence perpetrators. Individual counseling and anger management classes are not usually effective. Substance abuse programs, while helpful with substance abuse, are not typically directed at issues of abuse. Couples' counseling and family therapy can actually be dangerous for the victims of abuse.

Batterers' Intervention Programs are the preferred manner of addressing the problems of the abuser. These programs focus on behavioral change and the safety of victims. Success requires a strong motivation to change and not everyone succeeds. Batterer's programs do, however, offer a

path to ending the violence. Most people who attend Batterers' Intervention Programs are required to participate by a court, but individuals can enroll voluntarily.

A list of programs that are certified, reviewed and monitored according to law by the Nevada Committee on Domestic Violence is available at:
http://ag.state.nv.us/dv/dvunit/Certified%20Treatment%20Providers.pdf.

11) ANIMAL CRUELTY AND DOMESTIC VIOLENCE

Some abusers harm or threaten to harm pets as a technique to control intimate partners and children. Animal abuse sends the message: "You may be next." Knowing that a pet may be injured also makes it harder for someone who cares about the animal to leave. Individuals with no empathy for the suffering of animals or the distress of their owner are capable of domestic violence.

Animal abuse is a criminal offense and a sign of serious psychopathology. People responsible for animal cruelty commit other criminal offenses at a rate greater than 300% higher than those who are not involved in animal abuse.

For additional information visit the American Humane Association at:
http://www.americanhumane.org/about-us/newsroom/fact-sheets/animal-abuse-domestic-violence.html.

12) DOMESTIC VIOLENCE AND GUNS

Domestic violence involving a gun is 12 times more likely to result in a death than family violence in which no gun is involved. Two-thirds of domestic violence homicides are carried out with firearms.

Federal and state laws prohibit a perpetrator of domestic violence from possessing a firearm.

For further information on firearms and domestic violence visit:
http://aja.ncsc.dni.us/courtrv/cr39-2/CR39-2MitchellCarbon.pdf.

13) DOMESTIC VIOLENCE STORIES OF LOCAL INTEREST

NEVADA GIRL SCOUTS CAN EARN DOMESTIC VIOLENCE PATCH

The Girl Scouts of the Sierra Nevada offer a "Peace Begins at Home Patch" to encourage girls to learn about domestic violence and the characteristics of healthy and unhealthy relationships. The 70-year-old Sierra Nevada Council serves over 8,400 girls from ages 5 to 17 in thirteen Northern Nevada counties and ten Eastern California counties. Girls must complete a number of activities to earn the patch. The program description, available on-line and from local scout leaders, identifies fifteen acceptable activities that include: Asking a troop leader to invite a

speaker from a local domestic violence program, finding out how to get help for a victim of domestic violence, reading a book or watching a movie about domestic violence, designing a poster, and performing a service project to benefit a local domestic violence shelter. The patch has been available since October 2008.

For more information visit:
http://www.gssn.org/girls/Peace%20Begins%20at%20Home/CouncilPatchCurriculum-FINAL.pdf.

DOMESTIC VIOLENCE TRAINING FOR NEVADA JUDGES

Did you know that all judges in Nevada are required to take special domestic violence training? The Nevada Supreme Court has twice, first in 1993 and again in 2006, ordered all judges in the state to attend full-day seminars on domestic violence. The Supreme Court required mandatory education based upon its findings that:

a) Domestic violence is a pervasive problem in American society and has escalated to a national crisis;
b) Spousal abuse is the single greatest cause of non-accidental injury to women and is a strong indicator that physical or sexual abuse of children also is occurring in the family;
c) Children witnessing the violent abuse of a parent suffer profound emotional harm, even if the children are not targets of the violence;
d) Domestic violence affects the entire community and all segments of the community must confront this violence, including, but not limited to, law enforcement, social services, the medical profession, public and private attorneys, the courts, and the media;
e) Domestic violence is the cause of a substantial portion of criminal and domestic relations case filings, and is by far the greatest cause of violence occurring in and around American courtrooms.

NEVADA'S CONFIDENTIAL ADDRESS PROGRAM

In 1997 Nevada became the second state in the nation to adopt a Confidentiality Address Program (CAP) for the protection of victims of domestic violence. CAP allows participants to use a fictitious mailing address assigned by the Secretary of State. Mail received at that address is forwarded by the Secretary of State to the participant. This allows domestic abuse victims to maintain confidentiality of their physical address in government and business records. The program greatly reduces the risk of being tracked through such records. More than 700 Nevadans participate in the program. Today, 30 states have CAP laws.

For further information about CAP visit: http://sos.state.nv.us/information/cap/
or telephone, toll free: 888-432-6189.

NEVADA'S RATE OF WOMEN MURDERED BY MEN

Every year during October, which is Domestic Violence Awareness Month, the Violence Policy Center releases its publication *When Men Murder Women: An Analysis of Federal Bureau of Investigation Homicide Data.* The most recent available information is for calendar year 2007.

Nevada has ranked as one of the10 states with the highest rate of female homicide by men in the nation during each of the last 10 years.

Year	National Rank	# of Women Murdered	Murders per 100,000 population
1998	#8	18	2.10
1999	#1	30	3.38
2000	#9	17	1.73
2001	#3	27	2.93
2002	#4	27	2.54
2003	#2	29	2.64
2004	#5	25	2.21
2005	#1	30	2.53
2006	#1	40	3.27
2007	#5	28	2.23

In 2007, 96 percent of the Nevada's female murder victims were murdered by men they knew. Seventy-seven percent of the murdered were the wives or intimate partners of the killers.

For further information visit: http://www.vpc.org/studies/wmmw2009.pdf

14) COSTS TO SOCIETY OF DOMESTIC VIOLENCE

Domestic violence imposes a staggering cost on society, including:

a) One-third of all police time is spent responding to domestic violence disturbance calls.
b) More than 7.9 million paid workdays are lost each year because of domestic violence.
c) Almost three-fourths of employed female victims are harassed at work by their abuser.

For further information visit the Family Violence Prevention Fund:
http://endabuse.org/userfiles/file/Children_and_Families/Workplace.pdf

15) DOMESTIC VIOLENCE AND SPECIFIC POPULATIONS

Dating Years

The highest rate of domestic violence is experienced by females between the ages of 16 and 24. *U.S. Department of Justice, Violence by Intimates, NCJ-167237, March 1998.*

Girls abused in dating relationships are 4 to 6 times more likely than non-abused girls to get pregnant and 8 to 9 times more likely to attempt suicide. *Bureau of Justice Statistics, Violence against Women: Estimates from the Redesigned Survey, August 1995.*

For further information, visit the U.S. Department of Justice at:
http://www.ovw.usdoj.gov/teen_dating_violence.htm.

Elderly

An estimated one million persons 65-or-older are abused each year. For further information visit the American Association for Retired Persons (AARP) at: http://bulletin.aarp.org/yourworld/law/articles/state-by-state_elder.html?CFC_cK=1207327217393.

Tribal

Violence against Native Women is not traditional but it occurs at a rate higher than those of all other groups. The Sacred Circle, National Resource Center to End Violence Against Native Women, provides assistance, training, and information on tribal violence. The Sacred Circle can be contacted at www.sacred-circle.com or toll free at 1-877-733-7624

Military

Domestic violence in the military is complicated by the fact that victims are often reluctant to seek help because of a concern with their spouse's career. For information, visit http://usmilitary.about.com/od/divdomviolence/l/aadomviol1.htm

Lesbian, Gay, Bisexual, Transgender and HIV-affected Communities

Domestic violence occurs in same-sex relationships at about the same rate as in heterosexual relationships. Control tactics not usually seen in heterosexual relationships, like intentional exposure to HIV or public revelation of sexual orientation, are used by same-sex abusers. The National Coalition of Anti-Violence Programs, a coalition of lesbian, gay, bi-sexual and transgender organizations, is an excellent source of information about the barriers and special issues involved in domestic violence in these communities. www.ncavp.org

Immigrants

Immigrant victims of domestic violence often have additional problems caused by social isolation, language barriers, immigration laws and poverty. For information, visit the National Network to End Violence against Immigrant Women at: http://www.immigrantwomennetwork.org/AboutUs.htm

16) DOMESTIC VIOLENCE STATISTICS

Nevada Domestic Violence Statistics

a) In Nevada, domestic violence incidents reported to law enforcement increased from 11,160 in 1994 to 26,162 in 2008. *http://nvrepository.state.nv.us/dv_reports.shtml*

b) In Nevada, during FY 2007-2008 35,982 people received services from domestic violence programs. 1,389 adults and 1,559 children spent 59,434 nights in beds provided by domestic violence programs. *http://www.nnadv.org/pdfs/Press_Room/Information_for_the_Press/Domestic%20Violence%20The%20Facts_FY%200708.pdf*

National Domestic Violence Statistics

a) Seventy-five percent of all family violence occurs in or near the victim's residence and an additional 15 percent occurs at the home of a friend, relative or neighbor. *Source: U.S. Department of Justice, Family Violence Statistics, June 2005.* *http://www.ojp.usdoj.gov/bjs/pub/pdf/fvs.pdf.*

b) Forty-one percent of all family violence is not reported to police. *U.S. Department of Justice, Family Violence Statistics, June 2005.* *http://www.ojp.usdoj.gov/bjs/pub/pdf/fvs.pdf.*

c) One-third of all family violence is reported to police by someone other than the victim. *Source: U.S. Department of Justice, Family Violence Statistics, June 2005.* *http://www.ojp.usdoj.gov/bjs/pub/pdf/fvs.pdf.*

d) Twenty-three percent of all murders in the United States are murders of family members. *Source: U.S. Department of Justice, Family Violence Statistics, June 2005.* *http://www.ojp.usdoj.gov/bjs/pub/pdf/fvs.pdf.*

e) More than two-thirds of spouse and ex-spouse murder victims are killed by guns. *Source: U.S. Department of Justice, Homicide trends in the U.S., June, 2006.* *www.ojp.usdoj.gov/bjs/homicide/intimates.htm.*

17) DOMESTIC VIOLENCE AND NEVADA LAW

Criminal Penalties for Domestic Violence

The law deals harshly with people charged with crimes of domestic violence. The police are required to make an arrest if there is slight evidence to believe a person was the primary physical aggressor involved in a domestic battery during the last 24 hours. (NRS 171.137).

The law requires the aggressor be held in jail for at least 12 hours. There are statutory guidelines setting the amount of bail necessary for release from jail in amounts higher than usually charged for other batteries. (NRS 178.484).

The law requires the prosecutor to prosecute and prohibits any plea-bargaining of a provable domestic violence battery case. Sentences for misdemeanor conviction require a minimum of two days and a maximum of six months in county jail for a first conviction and from 10 days to six months for a second conviction. A third conviction within seven years, or any conviction involving a deadly weapon or serious harm to the victim, is a felony that requires a minimum sentence of one year in state prison. Community service and fines are also required. A convicted abuser is required by law to pay for and undergo state approved counseling of not less than one and one-half hours per week for six months to a year. The law does not permit the judge to grant probation. (NRS 200.485).

Liability to the Victim of Domestic Violence for Money Damages

An injured victim can obtain a judgment for money against a convicted domestic abuser. In Nevada, criminal conviction is conclusive evidence of civil liability. After conviction of a

domestic violence crime, the only question to be answered in a lawsuit by the victim against an abuser may be the amount the abuser must pay. (NRS 41.133).

Protection Orders against Domestic Violence

Nevada law permits an otherwise powerless victim of abuse to use the tremendous power of the court for protection. A Temporary Protection Order (TPO) can require an abuser to leave his home, even if he owns it. It can require an abuser to stay away from the home, job and other places the victim and the victim's children regularly go. It can grant sole custody of children and of pets. It can make the abuser pay the victim's rent or mortgage and compel the payment of child support. It can require an abuser to surrender firearms to law enforcement. Protection orders are aggressively enforced. Any abuser who violates a TPO may go to jail. Parents or guardians may obtain orders on behalf of children. (NRS 33.017 et seq.).

The process of obtaining a TPO is user-friendly and designed for people without lawyers. For further information contact your local district court or justice court.

Child Custody

Judges are required by statute to consider domestic violence as a factor when determining the best interest of a child. Proof that an abuser committed an act of domestic violence against a child, a parent of a child, or any person living with a child, requires a court to presume that the abuser should not have sole or joint custody of that child. This presumption can be overcome with compelling evidence. (NRS 125C.230).

Sometimes the Law Doesn't Work as it Should

Sometimes the legal system breaks down. TPO's sometimes aren't served because of a lack of address or for other reasons. Sometimes they aren't enforced. Sometimes domestic violence isn't taken into consideration in granting custody. Sometimes the victim can't find a lawyer to handle a civil case for damages. Investigative reporting can identify and explain such failures and may promote change for the better.

18) DOMESTIC VIOLENCE AND FEDERAL LAW

The Violence Against Women Act (VAWA) makes it a federal crime in some circumstances to cross, or cause any person to cross, a State or tribal boundary if domestic violence or violation of a TPO results. The Violent Crime against Women Act amended VAWA to include cyber-stalking as a federal crime. The penalty for violation of these federal statutes ranges from five years to life imprisonment depending upon the extent of injury to the victim.

The Gun Control Act prohibits firearms possession in some circumstances by a person who is convicted of domestic violence or subject to a TPO. It is also a crime to transfer a firearm to such a person. Penalties of up to 10 years imprisonment are possible.

Questions about the application of Federal laws may be directed to the US Attorney, District of Nevada, 333 Las Vegas Blvd. South, Las Vegas, NV 89101 or to Public Affairs Specialist Natalie Collins at (702) 388-6508.

IV. NEVADA DOMESTIC VIOLENCE RESOURCES

1) PUBLICATIONS

"Nevada Domestic Violence Resource Manual for Law Enforcement, Prosecutors, the Judiciary, Attorneys, Advocates," the Urban Group LLC (2000)., 370 pages. Available on-line at: http://npac.state.nv.us/Publications/DomesticViolenceResourceManual.pdf.

"Domestic Violence Prosecution Best Practices Guidelines," as adopted by the State of Nevada Council for Prosecuting Attorneys pursuant to NRS 241A.070 on May 4, 2006. Available on line at:
http://www.nvpac.state.nv.us/Domestic_Violence/DV_Best_Practice_Guidelines.pdf

2) POLICY ORGANIZATIONS

The Family Violence Department of the National Council of Juvenile and Family Court Judges, P.O. Box 8970, Reno, NV 89507. Telephone: (775)784-6012, Fax: (775)784-6628, http://www.ncjfcj.org/contnt/view/20/94/

One of the nation's foremost authorities on domestic violence is headquartered in Reno, Nevada. The Family Violence Department (FVD) of the National Council of Juvenile and Family Court Judges (NCJFCJ) works to improve the way criminal, civil, and social justice systems respond to family violence by providing cutting-edge training, technical assistance, and policy development.

Nevada Committee on Domestic Violence, www.cdv.state.nv.us
The Committee adopts regulations for the evaluation, certification and monitoring of programs for the treatment of persons who commit domestic violence. For a list of Nevada's certified domestic treatment providers visit:
http://ag.state.nv.us/dv/dvunit/Certified%20Treatment%20Providers.pdf.

Nevada Council for the Prevention of Domestic Violence, 5420 Kietzke Lane, Suite 202, Reno, NV 89511, Telephone: (775) 850-4119, Fax: (775) 688-1822,
http://ag.state.nv.us/dv/dvpc/dvpc.htm

The Council is chaired by the Nevada Attorney General and has members representing law enforcement, the judiciary, prosecution, victim services, health care, education, and domestic violence survivors.

The Council efforts include (a) increasing awareness of the existence and unacceptability of domestic violence; (b) making recommendations for any necessary legislation relating to domestic violence; and (c) providing financial support to programs for the prevention of domestic violence.

Nevada Domestic Violence Ombudsman, http://ag.state.nv.us/dv/dvunit/ombud.htm
The Domestic Violence Ombudsman (a) produces quarterly reports for the legislature; (b) provides information and assistance to victims, the criminal justice system and the general public and responds to complaints and concerns; and (c) administers the court assessment account for programs related to domestic violence.

Nevada Network Against Domestic Violence, (775) 828-1115, http://www.nnadv.org/
The Nevada Network Against Domestic Violence (NNADV) is a statewide organization that helps Nevada's communities respond effectively to the needs of victims of domestic violence. NNADV provides a resource library, advocacy training, and technical assistance to Nevada's domestic violence programs. NNADV also coordinates networking meetings, assists in the provision of community and professional education, and is active in educating legislators on issues of concern to Nevada families.

Southern Nevada Domestic Violence Task Force, PO Box 758, Las Vegas, NV 891125-0758, (702) 225-4113, http://sndvtf.org/

The task force (a) provides a working forum for interdepartmental information sharing and interaction of agencies dealing with domestic violence victims and perpetrators; (b) identifies and analyzes the components of current responses to domestic violence and makes recommendations; and (c) serves as a conduit to local news media for information compiled by task force members to facilitate change by sponsoring education and media campaigns on domestic violence issues.

3) DOMESTIC VIOLENCE SERVICES

For Victims: http://sos.state.nv.us/information/cap/agencies.asp

Nevada Domestic Violence Hotline: (800) 500-1556

For Abusers: http://ag.state.nv.us/dv/dvunit/Certified%20Treatment%20Providers.pdf

Sexual Assault Report

Suggested Guidelines for Language Use

Introduction

This document was developed to provide guidance for authors, editors, and members of the Editorial Board of *Sexual Assault Report*, a bimonthly newsletter published by the Civic Research Institute. Because it may provide helpful information for others working in the field of sexual violence, we welcome its dissemination beyond this audience. We believe these recommendations for language use can improve our verbal and written communications as professionals in the field, helping us to provide information in ways that maximize our accuracy and clarity – and avoid common tendencies that can create confusion, perpetuate misinformation, and contribute to a climate of doubt and victim blame.

Please feel free to let us know if you find these guidelines helpful or want to offer feedback.

Sgt. Joanne Archambault (Ret.)
Executive Director, EVAW International
Co-Editor, *Sexual Assault Report*

Kimberly A. Lonsway, Ph.D.
Research Director, EVAW International
Co-Editor, *Sexual Assault Report*

Referring to the Perpetrator, Suspect, Defendant

When writing a case review for SAR, the defendant will generally be named, following standard conventions for the legal field, and also reflecting the reality that criminal legal cases are identified, filed, and retrieved using the defendant's name. This will typically include the defendant's full legal name (first, middle, and last name). One exception to this general rule is when the identification of the defendant would also lead to the identification of the victim (e.g., when the defendant is the victim's spouse, parent, sibling). In these situations, the defendant might be identified using only initials, or with a first name and an initial for the last name. Alternatively, the defendant may simply be identified on the basis a relationship to the victim or another household member (e.g., the victim's mother's boyfriend).

When referring to the criminal justice system, the word "perpetrator" will generally be used only when a sexual assault conviction represents the final resolution of a case. This would be the case, for example, when a defendant has been convicted. Otherwise, the defendant will typically be referred to by name or described using the specific legal standing at the appropriate point in the narrative (e.g., "suspect" prior to the filing of charges, or "defendant" during the pendency of a case). Outside the criminal justice context, the word perpetrator will be used to refer to those who commit sexual offenses (e.g., "Sexual assault perpetrators typically use instrumental force, not gratuitous physical violence."

Civil Legal Cases

When reviewing civil legal cases, the language use will differ from the criminal justice context. For example a tort or divorce case may name the victim or the victim's parent(s) in its heading. Child protection cases are usually filed under the child's name (or initials or an acronym), but sometimes they are filed under the protective parent's name. As a policy, however, *SAR* will not include a victim's name in connection with any sexual assault case (civil or criminal), except in exceptional instances where this reflects the stated preference of the victim.

Referring to the Victim

Also following standard legal conventions, the term "victim" will typically be used when referring to the context of the criminal justice system. Only in exceptional instances will the phrase "alleged victim" be used, and its use must be justified by unique circumstances. The terms "accuser" or "prosecutrix" are not appropriate, unless they are used in a direct quote from another source and cited appropriately.

Other terms may be preferred by authors in other professional disciplines and/or articles addressing different contexts. For example, those in the health care profession will generally use the term "patient," because it is oriented toward their mission. Victim advocates and other social service providers may use alternative terms, depending on their professional mission and philosophy; these could include "client," "survivor," etc.

Victims will generally not be named in *SAR* articles, except in circumstances where this reflects the stated preference of the victim. In some instances, the victim will simply be referred to as "the victim" or some other neutral identifier in relation to the defendant (e.g., girlfriend, wife, daughter, foster son, nephew, neighbor). In other situations, the victim's initials may be used (typically in cases involving child victims). In still others, a pseudonym will be used (e.g., "Jane Doe"). Typically, the referent used in the *SAR* review will reflect the language from the original court decision.

Referring to the Crime, and Avoiding the Word "Alleged"

The word "alleged" will generally be avoided, given the historical context of skepticism for reports of sexual assault. In some instances, the offense will simply be described as a "rape" or a "sexual assault," following standard conventions within the criminal justice system. It may also be described as the "crime," "offense," "reported sexual assault," etc. However, this terminology will be used with the understanding that the case may not have reached its final resolution (e.g., the defendant has not been convicted of sexual assault).

It is always important to keep in mind that only a miniscule percentage of sexual assaults that are committed ever proceed through the criminal justice system. Moreover, exhausting the appeals process can take years and even decades. In other words, almost all sexual assaults remain "unresolved" by the legal system, and it would be inappropriate to refer to all such reports (or even disclosures) of sexual assault as "alleged." This practice is not generally used for any type of crime other than sexual assault.

Describing Sexual Acts

Every effort will be made to avoid using the language of consensual sex to describe acts of sexual abuse and assault. For example, terms such as the following will be avoided because they convey a degree of mutual consent and/or minimize the seriousness of the acts: "sexual intercourse," "had sex," "oral sex," "fondling," "massaging," "foreplay," etc. Instead, objective language will be used to describe the specific body parts and sexual acts involved: "penile-vaginal penetration," "rubbed his penis on her vulva," "the defendant penetrated the victim's anus with her fingers."

Other phrases will be avoided when they appear to place agency for the sexual act on the victim rather than the perpetrator. Problematic phrases include: "the victim performed oral sex on the defendant." Rather, objective language will be used to describe the specific body parts and types of contact involved, including the element of force or coercion if it is present. For example: "The defendant forced his penis into the victim's vagina," or "After he threatened to hurt her, the victim stopped resisting, enabling the defendant to penetrate the victim. " Alternatively, the legal term may be used: "the defendant raped the victim," again with the understanding that this conclusion may not reflect the final resolution of the case within the legal system.

Strangled vs. Choked

The term "strangled" will be used, rather than "choked," to accurately describe an act of force. The term "choked" actually refers to a blockage within the victim's windpipe (e.g., food stuck in the throat), although it is commonly mistaken as referring to an act of strangulation.

Statement, History, and Story

Authors should avoid using the term "story" when referring to the victim's statement or account of events, given the connotation of skepticism conveyed. Other terms are more appropriate, such as "account," "statement," or even "the victim's description of the sexual assault," etc. The term "history" is often used when describing the victim's account of the event for health care providers. For example: "The Sexual Assault Nurse Examiner took the victim's history before collecting evidence."

Active Language

In general, active language will be preferred over passive forms. An example of passive language would be: "The victim was thrown against the wall" or "The victim was pushed, causing him to strike his head against the table." Alternative versions using active language would include: "The defendant threw the victim against the wall," and "The defendant pushed the victim, so his head struck the table."

On occasion, a similar problem may occur when language implies agency that is not warranted given the common dynamics of sexual assault victimization. For example, it would be problematic to state that the victim "delayed reporting" if he/she did not contact law enforcement for several days after the sexual assault. While this may be described as a "delayed report" in the criminal justice context, alternative wording can be used to describe the victim's response to the sexual assault in ways that do not carry the connotation of active obstruction of the criminal justice process. To illustrate: "The victim disclosed to her mother the day after the assault and then contacted law enforcement two weeks later."

78

Finally, the word "experience" is not preferred for describing victimization. An example would be the following statement: "A woman who experiences sexual assault in addition to physical violence is more likely to be killed than a woman experiencing physical violence only." Better wording more accurately captures the reality of victimization. To illustrate: "A woman subjected to sexual assault in addition to physical violence is more likely to be killed than a woman subjected to physical violence only."

Referring to Victims with Disabilities

Approximately one in five people have a disability. It is a minority group that one can join at any time, and in fact most people will join if they live long enough. When referring to victims with disabilities it is therefore important to use respectful language, or what is referred to as "People First Language." People First Language puts the person before the disability and acknowledges that victims with disabilities have a great deal in common with other victims. Having a disability can be one part of the human experience and therefore, such language conveys that a person *has* a disability, not that he or she *is* the disability. For example, a person *has* cerebral palsy rather than a person *is* cerebral palsied.

Other examples of People First Language include describing someone as:

- a person who uses a wheelchair, rather than "wheelchair bound"
- a person with an intellectual disability, rather than "mentally retarded"
- a person with a disability, rather than "the disabled"
- a person with mental illness, rather than "insane"

Other terms that should be avoided when possible include references to Mental Age. Some standardized tests for intelligence and adaptive functioning include a Mental Age comparison. Mental Age scores or age equivalent scores have sometimes been used to describe adults with intellectual disabilities as children or "functioning as a seven year old." This reference does not accurately describe the person and their abilities or limitations and should be avoided. One possible exception is when referencing official documents that use such language. In that situation, the language can be used as long as it is clearly attributed to the original source. However, it is best to include a note or discussion to convey that the term is not the most accurate or appropriate.

In general, there is no disability label or diagnosis that describes a specific person. Just as each person with diabetes is unique, so is each person with autism. Also, each person's experience is unique. It is therefore best to avoid words designed to elicit pity or a patronizing attitude, and rather to use language that communicates an attitude of respect for all victims.

Flexibility and Reasonableness

While these preferences are stated for the wording of articles or case reviews to be published in *SAR*, it is worth noting that some degree of flexibility is required. Sometimes problematic wording is included in the original text of a court decision and retained in the case review; this can be noted using quotation marks or other means. In other situations, it can be difficult to avoid problematic language for a variety of reasons. Therefore, a standard of reasonableness will be used to evaluate wording of case reviews and other articles in light of these general standards.

Conclusion

We believe these recommendations for language use can improve our verbal and written communications as professionals in the field, helping us to provide information in ways that maximize our accuracy and clarity. Ultimately, the goal is to avoid common tendencies that can create confusion, perpetuate misinformation, and contribute to a climate of doubt and victim blame.

The Importance of Using Accountable Language

Filed under Ending Men's Violence, Paper.

by Phyllis B. Frank and Barry Goldstein

This article was conceived because of the frequency with which leaders of our movement and presenters at conferences use unaccountable language in our presentations and proposals, even as they deeply care about ending men's violence against women and have devoted their lives to helping women partnered with abusive men.

Like all tools of oppression, unaccountable language is conditioned into our psyches, taught and learned as appropriate vocabulary and in socially acceptable sentence structure. Thus, unaccountable language is part of everyday parlance of people acting in complete good faith in trying to end men's violence against women. We know this is true because as long as we have trained to avoid unaccountable language, we still sometimes make this error, as well. The movement to end domestic violence has not yet made the use of accountable language a priority. We hope this article will encourage all of us in the movement to do so. This is one program we can afford even in tight economic times.

Defining unaccountable language

Unaccountable language refers to the powerful messages embedded in all forms of speech and media that have all of us lapse into sentence structure that obscures perpetrators, minimizes their abuse, and supports blaming victims. One common example is the phrase "an abusive relationship." The relationship did not hit the woman, but rather it was the abuser, typically a man who is husband or intimate partner, who was abusive. Such statements make the person who committed the offense, invisible. More specifically it is the use of passive language that results in making the perpetrator invisible. For example, a phrase like a woman was raped should be replaced by, "A man raped a woman." The rape did not just happen, but rather the rapist committed a brutal act. The idea is to focus attention on the person responsible. Accountably speaking we might say a woman was in a relationship with an abuser or he is abusive to his intimate partner. Another example is exposed by the question, "How many women will be raped or assaulted in this year?" Do we ever hear, "How many men will rape or assault this year?"

UPCOMING EVENTS

36th National Conference on Men and Masculinity: Changing Faces of the Movement (event) (11 days)

more

31

Other examples of the language of accountability

Once, when discussing accountable language during a staff training, we looked up on the wall to see a bumper sticker that said, "Every 15 seconds a woman is assaulted." Our objection at the time was not with the accuracy of the information but that the statement failed to focus on the cause of these assaults. "Every 15 seconds a man assaults a woman!" would be an accountable description.

During a dinner conversation, Barry, and his partner, Sharon, were discussing a series of disastrous calamities in their home caused by the builder who seemed to have deliberately sabotaged their house. After hearing about one emergency repair after another, Phyllis said it was the first time she actually understood the true meaning of an "abusive home", since too often the phrase "abusive home" is misused to invisiblize a man who repeatedly abuses his partner in their home.

The police and media often refer to incidents in which a man brutalizes his wife or girl friend as a "domestic dispute." This describes a man's criminal assault as if it were some kind of mutual problem, even-sided engagement, or tame dispute, rather than an act of brutality. When a mugger assaults and robs a cab driver, it is not described as a "fare dispute."

Unaccountable language hides responsibility

The use of accountable language is not a technicality or merely a play on words, but rather an issue with profound social consequences. The systemic use of unaccountable language minimizes men's abuse of women, fails to take his abuse seriously, and hides his responsibility for his actions. If we say "a woman was hurt" it seems like it just happened, as if on its own accord, or by accident, and there is nothing to be done about it. If instead we refer to the man who is hurting the woman, this requires assigning responsibility and taking action to stop him from hurting her again and provide consequences for the harm he caused.

Domestic violence is comprised of a wide range of tactics used by men to maintain power and to control their intimate partners The tactics are part of a pattern of coercive actions designed to maintain, what he believes (consciously or not), are his male privileges, to control his significant other. Historically, men were assigned, by social and legal norms, control over wives and families. Today, even though that is no longer legally, and for so many, morally, the case, an "abusive relationship" or "domestic dispute" makes it seem like a communications or relationship problem between the parties. It suggests counseling or therapy as a remedy instead of consequences to hold abusers accountable for abusive, controlling, and/or violent tactics.

Social Consequences of unaccountable language

As a society our constant use of unaccountable language gives still another advantage to abusers. Unaccountable language, embedded in all dominant institutions, including the judicial system, leads police, prosecutors, defense attorneys, and judges in domestic violence custody cases to confidently assume that both parties share equal blame for not getting along. They often tell the parties they are equally responsible for the problems in the relationship and they must start to cooperate, get therapy, or anger

management classes. When a mother attempts to protect her children or limit contact with an abusive father, she is routinely blamed for not getting along rather than recognized for what is a normal reaction to a partner's abuse.

If we are going to end or at least reduce the use of unaccountable language in this society, those of us working in the battered women's movement must take the lead and must set an example to use accountable language. Politicians often use phrases like "mistakes were made" Instead of saying, "I made a mistake." We want society to be clear that men ,who abuse and mistreat the women they are partnered with, are responsible for their actions. We are asking presenters and others working to end domestic violence to join us in striving to use accountable language.

Dedication

Dedicated to our dear friend and colleague Jon Cohen, who worked with Phyllis B. Frank in developing the NY model for Batterers Programs, and with Barry Goldstein, to find many of the examples of unaccountable language in Barry's first book, Scared to Leave Afraid to Stay.

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33

National Council of Juvenile and Family Court Judges

There is No Such Thing as a 'Child Prostitute'

January is National Slavery and Human Trafficking Prevention Month, a chance for all of us who work to improve the lives of young people to reflect on the realities of child sex trafficking in America. While sex trafficking is often thought about in connection with foreign countries, the truth is that it is happening all throughout the United States. Instances of child sex trafficking have been reported throughout rural, urban, and even tribal regions of our country—but unlike other forms of violence, child sex trafficking is too often hidden in plain view.

There are a number of federal and state laws in the U.S. that protect minors exploited in the commercial sex trade. Despite these protections, each year more than 700 children are arrested for prostitution in the United States. Think about that. Federal law defines these children as victims of human trafficking, and most are too young to even consent to sex, but instead of being treated as victims, these children are often arrested and prosecuted as 'child prostitutes.'

In any other instance what happens to these youth would be considered statutory rape or sexual assault of a minor, landing their abusers behind bars. But because their abuse is paid for, it is the child who ends up in handcuffs and detention instead of their exploiters, making this the only form of child abuse where our response is to criminalize the abused child.

So who are these children? Data shows that the majority of trafficked youth are girls and that many have suffered childhood sexual abuse and trauma. Many trafficking victims come from foster care or group homes, making them ideal targets for traffickers who prey on their vulnerability. Girls of color—particularly African American and Native American girls—are more likely to be trafficked and exploited for sex, *and* more likely to be criminalized for their exploitation. According to the FBI, African-American children comprise 52 percent of all juvenile prostitution arrests— which is more than any other racial group.

Gender and racial inequities render girls of color more susceptible to being blamed for their own victimization. These girls experience the "sexual abuse to prison pipeline" where they are punished and ultimately criminalized for being victims of crime. All too often, our efforts to end human trafficking fail to contemplate these exceptionally vulnerable children.

At Rights4Girls we believe that there should be no difference between abusing a child and paying to abuse a child. That's why we are committed to spreading the message that there is no such thing as a 'child prostitute'—only victims and survivors of child rape. That is why we partner with the National Council of Juvenile and Family Court Judges on the National Judicial Institute on Domestic Child Sex Trafficking to help exercise judicial leadership within the court and community to improve outcomes for victims and children at risk of sex trafficking.

This January, we must commit ourselves to instituting practical and thoughtful measures to ensure that we treat survivors with dignity and respect, rather than re-victimization. Just as we did with the domestic violence movement decades ago, we must collaborate across systems and disciplines to create effective policies that promote the detection, protection, and treatment of survivors and their families. It is up to all of us to create this necessary change.

Yasmin Vafa, JD
Executive Director, Rights4Girls

34