

*WCASA is proud to introduce a new  
Sexual Assault Awareness Month Activity:*

## *Consensual Sex or Rape? A Mock Trial*

WCASA is proud to introduce a new Sexual Assault Awareness Month activity, the mock trial. This mock trial is designed to bring attention to and education about the issue of non-stranger rape, sometimes called date rape or acquaintance rape. More specifically, this mock trial focuses on the alcohol-facilitated sexual assault of voluntarily intoxicated victims. The mock trial and the accompanying educational tools are designed to show how perpetrators use alcohol to facilitate sexual assault and to help audience members unlearn rape myths about voluntarily intoxicated rape victims.

It is WCASA's hope that, although the trial is severely abbreviated, it will give the community a realistic picture of what the courtroom experience can be like for rape victims. It is an opportunity for local dignitaries, college students, legislators, district attorneys, and community leaders and members to show their support for efforts to end sexual violence and hold perpetrators accountable.

The mock trial is designed to be used with other educational materials and information. It is critical that time is built in for discussion and education after the event. Although WCASA has tried to develop a fact scenario that exposes many of the common tactics used by serial perpetrators of alcohol-facilitated sexual assault, it is possible that an acquittal could occur. Audience members may also express disbelief or anger at the fact scenario presented.

The mock trial presented in this packet is different than the mock trial presented at WCASA's legal training in December of 2004. It has been revamped to include slightly different facts and to place a greater emphasis on common perpetrator tactics in alcohol-facilitated sexual assaults. While it is unlikely that a scenario in real life would involve as many of the perpetrator tactics identified in this scenario, we wanted to provide an educational opportunity to discuss all of them.

This packet contains the following:

- The script.
- An event timeline.
- A more extensive guide to organizing this event.
- Sample publicity for the event.
- Sample press releases.
- Educational materials.

**Please let WCASA know if you decide to use the mock trial as a SAAM activity.** As many of you know, WCASA is working to improve the law as it relates to alcohol-facilitated sexual assault. While the mock trial scenario was designed to remain factually regardless of any law change, it is likely that WCASA will be developing additional materials regarding the issue of alcohol-facilitated sexual assault. For example, if a bill is introduced, WCASA will likely develop sample letters to the editor, talking points, and written testimony, all of which could be helpful to agencies utilizing the mock trial. WCASA also could help tailor the press and publicity materials to your event and can keep you abreast of any legislative activity on this issue.

If you would like an electronic copy of this packet, please contact WCASA and we will provide it to you. WCASA would like to acknowledge the hard work of the Pennsylvania Coalition Against Rape (PCAR) and the American Prosecutors Research Institute (APRI). The mock trial in this packet was adapted from a mock trial PCAR developed for SAAM. The fact scenario is also largely based on a fact scenario

# *Implementing Your Mock Trial*

## **Contents:**



- Timeline Leading up to Event
- Selecting a Location
- Selecting Actors for your Mock Trial
- Publicity Samples
- Press and Sample Media
- Set up Checklist
- Troubleshooting
- Educational Materials
- Mock Trial Script



## *Timeline for the Mock Trial*

This project is intended to be used in conjunction with other SAAM events. It can be combined with other activities such as a Take Back the Night March, a victim panel, the showing of certain sexual assault videos, and more. The mock trial lasts approximately 1.25 to 2 hours. In order to incorporate time for discussion and further education, no less than 2 to 2.5 hours should be allocated for the mock trial event. It is a good idea to do a run through of the script with the final cast because each cast takes a different amount of time to run through the script.



### **January (three months before the event)**

Choose dates, times, and places for your Mock Trial. Check the dates of other events that may be taking place in your community. If you want to involve a local college or university, check on the dates of finals or spring breaks. Remember not to schedule your event on April 28, 2006, which is WCASA's annual Voices of Courage Banquet.

Assign a coordinator for your events and designate others who can help with concrete tasks.

Tasks may include:

1. Public Relations: developing and sending out press releases, contacting the media, and setting up or conducting interviews.
2. Publicity: Making brochures, invitations, programs, tear-offs, and flyers.
3. Bulk mailing for invitations to the event.
4. Logistics: reserving the room, finding actors for the cast, setting up meeting times for the cast, etc.



### **February (two months before the event)**

Finalize dates, times, and locations. Reserve the place to hold your event. Finalize the cast for your event. Send confirmation letters to your cast detailing the commitment expected of them. Provide copies of the script to the actors with their parts highlighted. In most instances, it is not necessary for the actors to memorize their parts, but actors should be encouraged to develop a familiarity with the material before the mock trial. Determine what activities you would like to accompany the mock trial. Make sure any videos will be available the date of the event. The video recommended for this event, David Lisak's *The Undetected Rapist*, is 12 minutes long and is available in the WCASA Resource Center or for purchase for a minimal amount. For information on how to order the video or to reserve the video, please contact WCASA. Develop press releases. Send out Save the Date cards to important participants and organizations.



**March (1 month before the event)**

Begin your publicity in earnest. Send out invitations and mailings and contact partners and agencies you would like to attend the event. Send flyers, brochures and posters to those willing to help advertise the event. Try to set up interviews with local television and radio stations to start advertising your event. Try to schedule interviews and articles to be published or aired one to two weeks before the event. Schedule the first read-through of the script with your actors.



**Late March-Early April (one to two weeks before the event)**

Make follow up phone calls to ensure attendance at the event. Finish your last minute publicity, such as posting flyers on campuses, hanging posters, distributing brochures, etc. Check with your location to make sure that everything is set up. If you are going to show a video, make sure those arrangements have been made. If you are using microphones, make sure microphones are available. Follow through on any scheduled interviews and contact media outlets to ensure follow up on any media attention that can be brought to the event. Send out a press release announcing the event. Get your actors together for one final read-through. Think through the types of reactions that audience members might have to the mock trial. Make a list of the questions you believe people might have after the event and establish a plan for how to respond to those reactions and questions.



**April - the event!!**

Remember to breathe!! You have been carefully planning your events for three months, and although there may be a few bumps along the way, your event will be a success!! The day before the event, make any last minute phone calls to important dignitaries or the press. You may want to send out one final press release. Get to your location early. Make sure the equipment is set up properly. Make sure that your agency's information and any other resources you are going to provide are set up. Ask any volunteers helping with the event to get there early as well. Ask your actors to arrive early and when they do, make sure they are comfortable.



**Late April to Early May (after your event)**

Send out thank you notes, check for an increase in referrals, and hold a follow-up meeting with the staff and possibly the actors in the trial to determine what worked and what didn't work. You will want to get feedback while the event is still fresh, but you also may want to do this again after some time has passed.

## *Selecting a Location*

The ideal location for the mock trial is in your local courtroom. If you would like to conduct your mock trial during the day, contact the clerk of courts or a judge in your community and ask if one of the courtrooms is open on certain days of the week. It is also possible that the court could schedule a time for the mock trial during which no other court activity would be scheduled. The court might also be willing to allow your agency to use the courtroom for a mock trial in the evening if that is your preferred time.

If a local courtroom is unavailable, a conference room or classroom could work. Ideally, the location would have either a small stage or platform for the mock trial participants, or it would have stadium seating in classrooms. Some of the newer classrooms at universities or technical colleges have stadium seating. A “fake” courtroom can be set up with a desk, two tables, and several chairs. The judge would sit at one desk facing the audience. A chair would be set up to the judge’s left to serve as the “witness stand.” The two tables would be placed facing the judge but in front of the audience. The DA and the victim would sit at one of these tables, facing the judge with their backs to the audience. The defense attorney and the defendant would sit at the other table, facing the judge with their backs to the audience.

Keep the needs of your particular event in mind when you are selecting location. For example, if you are going to show a video, you may want a location with video equipment.

Other locations should be investigated only when the ideal options are not viable.

## *Selecting Actors*

Ideally, the judge, district attorney, and defense attorney would all be played by people who serve in this capacity in your community. In the alternative, any attorney can play these roles. If your county has more than one district attorney, it is possible that a district attorney could play the judge or defense attorney. If no attorneys are available to play these parts, you may need to look for others to fill these parts. The more experience a person has with courtroom procedure, the better.

Think carefully about your selection of actors. Because of the prevalence of sexual assault and because the Mock Trial is an educational SAAM activity, it is likely that a high percentage of the audience will be survivors. It is therefore recommended to try and find a judge, DA, and defense attorney who understand the dynamics of sexual assault, alcohol-facilitated sexual assault, and are sensitive to victims. You might be able to ask your DA for advice on which defense attorneys in your community treat victims appropriately and with respect. It is particularly important for the actors to understand the purpose of this event: to show how perpetrators use alcohol to facilitate sexual assault and to help audience members unlearn some of the rape myths that surround this type of sexual assault. You may want to have a frank discussion with the actors about their ability to work toward this goal with you.

The victim can be played by a survivor, a sexual assault advocate, or a community member. Proceed cautiously before asking a survivor to participate in the mock trial. It may be more difficult for the victim than she had anticipated, and the audience reaction cannot be predicted in advance. It is always a good idea to ask anyone interested to read parts of the script to determine if he or she would be a good performer. You might decide that a student in a local college's drama department would provide a better performance than an advocate, or vice versa. The only criteria for the victim's part is that she be believable as a 23-year old secretary who is attending night school.

Casting the role of the perpetrator can be tricky. Ideally, the person will understand perpetrator behavior and will also be victim-sensitive. One ideal candidate would be someone who facilitates sexual assault treatment groups or batterer treatment programs. Another possibility is a probation or parole agent. Finally, a friend or family member of your agency's staff might be appropriate due to his understanding of victim dynamics. Again, the ideal candidate will feel comfortable performing in front of people and will be believable as a young doctor.

You should make sure that your actors all understand the time commitment involved in the event: at a minimum, you will be conducting two "read-throughs" in addition to the time allocated for the mock trial event itself. You may want additional time with the actors. For example, you may want the District Attorney to talk about how s/he handles these types of cases in your county as a part of the discussion.

# Publicity

Publicity for your event can be accomplished in numerous ways. Begin by identifying your target audience. Who do you want to come to the mock trial? Where do they get their information? How will they find out about the event? People and places to target with publicity may include:

- Partner agencies and members
- Schools, colleges, and universities
- Community leaders and elected officials
- Churches
- Grocery stores
- Libraries, bookstores
- Human service agencies such as Elder Abuse, Child Protective Services, etc.
- Medical providers, including doctors, nurses, and first responders
- Social groups, including League of Women Voters

Methods of reaching your audience can include:

- Flyers & brochures
- Public Service Announcements
- Targeted letters of invitation (e.g., to elected officials or members) & email invites
- Posting the event on your website
- Submitting the event to any “event calendars” in your community, such as local newspapers, weekly circulars, neighborhood newsletters, church newsletters, etc.
- Print advertisements
- Other media coverage (see next section)

Remember that all publicity should include:

- Date
- Time
- Location
- Brief, compelling description of the event
- Catchy, clear, concise language

If you have room, you could also include:

- More detailed reasons why people would want to come
- Statistics about alcohol and sexual assault
- More extensive description of the event

Keep in mind:

- Use clear language
- If your publicity is a printed piece, use an easy-to-read font



# Consensual Sex or Rape? YOU BE THE JURY!



You are invited to a mock trial sponsored by:

(YOUR CENTER'S INFO HERE)

LOCATION

TIME

(Agency letterhead)

(Date)

Dear Doctor (Insert Name)

We at (center's name) provide free and confidential counseling, advocacy, and education for victims of sexual assault. April has been designated as Sexual Assault Awareness Month and in honor of this event, we will be hosting (list your events, dates, and times here).

Enclosed is an invitation to the Mock Trial, nad a flyer advertising the Mock trial. We hope that you can attend this event and help support us by posting the event flyer in your waiting room, or wherever else you deem appropriate.

If you have any questions or concerns, please do not hesitate to contact us at the above number. If you would like to send out any e-mails regarding this event, we would be happy to provide you with electronic version of the invitation and flyer. We appreciate your support.

Sincerely,

(name of staff person sending letter)

(Agency letterhead)

(Date)

Dear Pastor (insert name),

We at (center's name) provide free and confidential counseling, advocacy, and education for victims of sexual assault. April has been designated as Sexual Assault Awareness Month and in honor of this event, we will be hosting (list your events, dates, and times).

Enclosed is an invitation to our Mock Trial, a flyer advertising the event, and a brochure advertising our services. We ask that you support us in helping our clients and those in the community impacted by the crime of sexual assault by announcing these events to your congregation. We would also greatly appreciate your help in reaching the community by posting the event flyer in your church common room, in your church newsletter, or wherever you deem appropriate.

If you have any questions or concerns, please do not hesitate to contact us at the above number. We appreciate your anticipated support.

Sincerely,

(Insert name of staff person )

# Media



## ***Ways to Use the Media***

You can use the media in many different ways. Media attention can raise public awareness about alcohol-facilitated sexual assault, publicize your event, or provide news coverage of the event itself. Define your goal for working with the media and contact them accordingly. Keep in mind as you develop a media strategy not to overwhelm the media with press releases.

The materials enclosed in this packet are geared toward asking the media to report on alcohol-facilitated sexual assault as a news event. If your goal is to publicize the event and build attendance, feel free to edit these sample pieces into a press release announcing the mock trial. Public awareness contacts with the media might involve letters to the editor, opinion/editorial pieces, in depth interviews with different media sources either before or after the event, interviews with survivors, or more.



## ***Media Advisory***

The purpose of this media advisory is to alert the media to an upcoming event that you want them to attend and cover. Add your agency's information along with anything specific to your community to the enclosed sample. Keep in mind that media advisories cover the bare details (what, why, when, where, who) and are generally under one page long. Send it out about a week before the event. You can make a follow-up call to pitch the story three days prior to the mock trial. If the media advisory has been misplaced, offer to fax over another.



## ***Press Release***

The intent of a press release is to get your message in the news by providing background information, statistics, and/or quotes. Again, adapt the sample press release to include your agency information and to reflect your community. Have copies of the press release available to distribute to media at the mock trial and send it out (i.e. fax it) the day of the event to media who do not attend.



## ***Things to remember***

Media coverage for your event requires both strategy and a little luck. No matter how well you've planned, you can't control the other news that happens in a day.

Send your media alert and press release to all your local news media – newspaper, television, and radio. You never know who will pick up the story. Once one does, others are likely to follow.



## ***We can help***

Free to contact WCASA for help with your media plan.

(Your letterhead)

(Date of advisory)

Contact: (Name)  
(Phone number)

## MEDIA ADVISORY

### Alcohol-Facilitated Sexual Assault Goes to Mock Trial

**Title: Consensual Sex or Rape: Sexual Assault on Trial.**

**What:** On (date), (Agency) will hold a fictitious mock trial in which defendant Joe Richards, a prominent young doctor, will be tried for the sexual assault of Melissa Stanton, a young 23-year old secretary and student. According to Melissa, Joe Richards intentionally plied her with alcohol until she passed out and then raped her. According to Joe, an evening of flirting culminated in a consensual sexual act. After hearing the evidence, a jury selected from the audience will decide the fate of Mr. Richards. The mock trial is taking place as a Sexual Assault Awareness Month activity.

Each year, thousands of Wisconsin women are sexually assaulted, and alcohol is the most commonly-used “date rape drug.” The purpose of the mock trial is to draw attention to the long-held biases that make prosecuting alcohol-related cases difficult.

Although the mock trial’s dialogue is scripted, the elements of the case come from real life. Additionally, the verdict has not been pre-decided, so the jury selected at the event will determine the outcome of the case.

Media and the community are invited to attend. Post-verdict discussion will focus on alcohol-facilitated sexual assaults and the verdict in this case.

**When:** (day, date, time)

**Where:** (address, room number)

**Who:** (Agency) is facilitating the mock trial. (If a local judge, DA, etc. has agreed to participate, include that information here.)

###

(Your letterhead)

SAMPLE PRESS RELEASE

Contact: (Name)  
(Phone number)

Alcohol-Facilitated Sexual Assault  
Goes to Mock Trial

*FOR IMMEDIATE RELEASE*

*(Date)*

Today (number) people gathered at (location) for a mock trial involving a fictitious alcohol-facilitated sexual assault for Sexual Assault Awareness Month. The mock trial was coordinated by (Agency) to draw attention to the use of alcohol in acquaintance rapes and to discuss the long-held biases that make prosecuting cases so difficult.

(Name), Executive Director of (Agency), stated, “We’re really happy with the event. Our goal was to raise awareness about the myths at work against sexual assault victims. I’m not sure people know how difficult it is to get a sexual assault conviction, especially in alcohol-related cases. Or even how commonly alcohol is used to facilitate sexual assault.” According to (Last name of Exec Dir), alcohol is the most popular date rape drug.

Statewide, over 5,000 sexual assaults are reported to law enforcement every year. According to the Wisconsin Office of Justice Assistance, there were (Number; see [http://oja.state.wi.us/docs\\_view2.asp?docid=1645](http://oja.state.wi.us/docs_view2.asp?docid=1645) On the Table of Contents, click on SA in WI 2001 - SA by County and Municipality) reports here in (County or Community) in 2001. However, this underestimates the number of sexual assaults that take place. The FBI and the CDC have found that only one-third of cases are ever reported to the police.

“Reporting rates are just another indication that most victims are not receiving justice,” (Executive Director Last Name) commented.

(Depending upon the verdict:)

(1)

Advocates were pleased to see that justice was afforded today in the mock trial case. After deliberating for the allotted ten minutes, the jury returned with a “guilty” verdict.

(OR 2)

According to advocates, the mock trial was no exception. After deliberating for the allotted ten minutes, the jury returned with a “not guilty” verdict.

Following the verdict, the audience was invited to join in a dialogue of the case. The discussion dealt with elements that lent credibility to the victim's testimony as well as the biases that make sexual assaults difficult to prosecute.

If you or someone you know is a victim/survivor of sexual assault, you can call (Agency and phone number) for help and support. For more information, visit the Wisconsin Coalition Against Sexual Assault's website at [www.wcasa.org](http://www.wcasa.org).

###

# Set-Up

## ***Before the Program Begins***

1. Things to bring:
  - a. Tabling materials and resource materials, including information about the alcohol-facilitated sexual assault bill (if that would be timely).
  - b. AV equipment you are providing.
  - c. Extra copies of the script.
  - d. Jury Slips (tickets with numbers on them). These Slips will be used to randomly select a jury from the audience. These slips should be set up like lottery tickets: Each slip should have the same number printed on it twice on opposite ends of the ticket.
  - e. Programs (sample program is included in this packet right after this section).
  - f. One verdict slip for each 12 jurors. The verdict slips should have an option for guilty and an option for acquittal (place an X on one slip—the reason why is explained later).
  - g. Postcards addressed to legislators: If the alcohol bill has been introduced, these postcards will ask local legislators to vote in favor of the bill.
2. Arrive Early (and ask your volunteers and helpers to arrive early).
  - a. Check layout of the room.
  - b. Make sure AV equipment is working.
  - c. Cue up your video.
  - d. Set up tables with information about your agency or others in your community. You may also want to have a sign-up for volunteers at this table.
3. As people start to arrive, make sure they get a jury slip. These jury slips will each have a number on them. When they are handed out, the participant should rip it in half, so they retain one copy of the number and the staff collects the other half. When the program begins, staff will randomly draw 12 numbers from a hat. It is probably inappropriate for children to serve as jurors.
4. Post one or two staff members or volunteers at the entrance of your courtroom to pass out programs and jury slips and collect ripped jury slips.
5. Assign a staff member to get the names and addresses of the jury members at the conclusion of the trial to ensure that you send them thank you cards.

***The Trial:*** After everyone is seated and your programs and jury slips have been handed out, it is time to start the event. All of the actors should be in their assigned places as actual witnesses, defendants, and attorneys would be in a trial. If your center employs a legal advocate, that person may want to sit with the victim during the trial as a legal advocate would.

1. Introduce yourself and your agency: talk a little bit about why you are holding the mock trial.
2. Select your “jury” by randomly drawing twelve of the numbers you put on the jury slips. Ask them to sit in a designated spot and give each of them a verdict slip.
3. Proceed with the Mock Trial.

***After the trial:***

1. Bring your jury to deliberate in a separate room; make sure you have a mediator from your agency in the room with the jurors.
2. Lead a discussion with the remaining people. In your discussion, avoid asking people what they personally think about the victim and/or the perpetrator and avoid putting people on the spot. You are going to do a lot of education in the following 20 minutes about alcohol-facilitated sexual assault, and you may educate people in the process. If you ask questions at this stage that are too personal, they may later feel embarrassed. Embarrassment gets in the way of learning. Phrase questions in terms of what society or their community would think. Ask them to consider any or all of the following questions:
  - a. What do you think the jurors are struggling with right now?
  - b. How do you think other members of your community would view this case?
  - c. Would members of our society/your community doubt the credibility of the victim? If so, why?
  - d. What do you think people in your community would think about this perpetrator? Why would they think so?
  - e. Why would these views of the victim and/or perpetrator make this case hard to prosecute?
3. The jury facilitator should lead the following discussion with the jurors:
  - a. Do you think that intercourse occurred?
  - b. Do you think that Melissa gave consent?
    - i. Consent is words or actions indicating a freely given agreement.
    - ii. Did Melissa give words or actions indicating a freely given agreement to engage in intercourse?
    - iii. If you believe it comes down to a conflict in testimony between two witnesses, how do you determine which witness is more credible?
  - c. The facilitator should keep track of time and ask the jurors to indicate Guilty or Acquittal on their form when 9 minutes are up. At 10 minutes, ask them to hand you the slips on the way out the door and be seated in the “jury box.”
  - d. Quickly count the verdict slips. If it is a tie, find the one with an X—count that one twice.
  - e. The jury facilitator should convey the results of the verdict secretly and confidentially to the group facilitator.

***If the verdict is Guilty:***

1. Explain to the audience that the verdict will be read at the end of the program.
2. Proceed to the David Lisak video and the subsequent presentation. (Skip over the next section and follow the program starting with the David Lisak video.)

***If the verdict is Acquittal:***

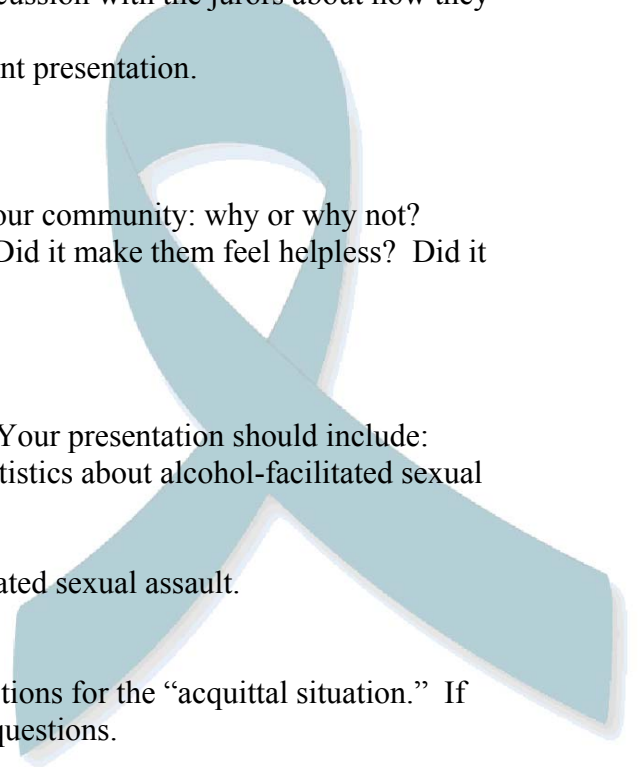
1. Read the verdict aloud.
2. Tell the audience that an acquittal is the most common verdict in an alcohol case. Inform the audience that alcohol is also the number one substance used to facilitate sexual assault. Let them know that as a sexual assault service provider, trying to educate the community on this issue is extremely difficult. Tell the audience that the next 20 minutes of the program will highlight the most current research on perpetrators and alcohol-facilitated sexual assault. Let the audience know that after this portion is done, you will have a general discussion, which will include a discussion with the jurors about how they reached their decision.
3. Proceed to the David Lisak video and the subsequent presentation.

***Show the David Lisak Video: The Undetected Rapist.***

1. Ask the audience if they think this is common in your community: why or why not?
2. Ask the audience how this video made them feel. Did it make them feel helpless? Did it make them feel compelled to action?

***The Presentation***

1. Proceed to the “presentation” part of the evening. Your presentation should include:
  - a. Statistics about sexual assault generally and statistics about alcohol-facilitated sexual assault specifically.
  - b. Common victim dynamics.
  - c. Common reactions of victims in alcohol-facilitated sexual assault.
  - d. Common rape myths.
2. Ask the audience to identify rape myths.
3. If the verdict was acquittal, use the discussion questions for the “acquittal situation.” If the verdict was guilty, use the “guilty” discussion questions.



### ***The Discussion***

As mentioned above, guide a discussion using the appropriate discussion guide: either the questions for acquittal or the questions for guilty, which are appended at the end of this guide.

### ***If the verdict is guilty***

If the verdict is guilty and if you have an actual judge playing the role of the judge in your community, consider having the judge “sentence” the defendant after the verdict is announced. If the judge is willing to do this, ask him/her to decide on a sentence ahead of time and develop three or four sentences to read to the audience to explain why s/he reached that sentence.

### ***Wrap Up***

This is your opportunity to attempt to “fix” anything that didn’t go as anticipated. Please see the section entitled “Troubleshooting.” You may need to emphasize a few points at the end in order to end on a positive note. In the wrap up, you could tell the audience about the alcohol bill. Pass out postcards or letters to legislators encouraging the bill’s passage. Let the audience know briefly about your agency and the services it provides, including a 24-hour hotline. Encourage audience members to volunteer for your agency and tell them where the sign-up sheet is. Thank everyone for coming.



**(Center's Name)**

**Presents**

# **A Mock Jury Trial for Rape**

(Date)

(County's Name) County Courthouse

**IN THE COURT OF** (Center's name)  
(County's Name) County

**CRIMINAL DIVISION**

**(Your Center's Name Here)**

**v.**

**SEXUAL ASSAULT**



The defendant, Joseph Richards, is charged with the rape of Melissa Stanton. Rape is a first degree felony offense in Wisconsin.

The jury will hear the testimony of several witnesses and based on this testimony will try to reach a unanimous verdict. Due to the fact that we must work within a specific time frame, the court proceedings have been condensed. However, we have tried to keep the proceedings as authentic as possible.

We would like to thank the following people for their time and efforts that made this mock trial possible.

|                       |                           |
|-----------------------|---------------------------|
| (District Attorney)   | __(Participant Name)_____ |
| (Defense Attorney)    | _____                     |
| Judge (Name of Judge) | _____                     |
| Melissa Stanton       | _____                     |
| Joe Richards          | _____                     |
| Narrator              | _____                     |

Thanks also to Judge \_\_\_\_\_ for the use of this courtroom.

Questions will be answered at the end of the program.

# *Discussion Questions For a Verdict of Acquittal*

These questions are designed to be used in the case of a verdict of acquittal. If this is the case, the order of events after jury deliberations will be:

1. Unveil jury verdict of acquittal
2. David Lisak video
3. Presentation on victim dynamics and alcohol-facilitated sexual assault
4. Discussion (using questions below)
5. Wrap up

Use a few of the following questions to start the discussion:

1. Did the Undetected Rapist video cause you to think differently about the actions of the perpetrator in this mock trial scenario?
2. Based on what you learned in the Undetected Rapist video, can you identify in what ways Mr. Richards' behavior is typical of an "undetected rapist." (If someone protests that he has been acquitted, ask the audience to assume for the moment that he is guilty and ask if that would surprise you given the video they just watched.)
3. Was Ms. Stanton's reaction to the assault typical?
4. Did your perception of Ms. Stanton change after you heard (agency staff) member talk about what a victim goes through after an assault? If so, in what ways?
5. Can you identify the rape myths that might impact jurors in this mock trial case?
6. If we assumed he was guilty, what would you as jurors need to know to convict?

Ask the audience if anyone in the audience has any questions for the jurors, judge, or district attorney.

## *Discussion Questions For a Guilty Verdict*

These questions are designed to be used in the case of a guilty verdict. If a guilty verdict is returned, the verdict will be announced at the end of the program, after the discussion takes place. The events will occur in the following order:

1. David Lisak video
2. Presentation on alcohol and sexual assault
3. Discussion
4. Wrap up

Use any combination of the following questions for your discussion.

1. Based on what you learned in the Undetected Rapist video, what tactics do you think Mr. Richards employed to assault Melissa Stanton? (If someone protests that he hasn't been found guilty, ask them to assume for the moment that he is guilty.)
2. Based on our discussion about rape myths, what rape myths might be operating in the mock trial scenario?
3. Why might people disbelieve the victim?
4. Is the victim's reaction normal or realistic?
5. Did your understanding of the mock trial scenario change after you learned what the research shows about perpetrators?
6. Did your understanding of the mock trial scenario change after you learned about victim dynamics and the role of alcohol in sexual assault?

Announce the verdict. Ask the following questions:

1. Would any of the jurors be willing to share the reasons s/he found the defendant guilty?
2. Did the jury struggle with the victim's credibility?

# *Troubleshooting*



## ***Hostile or Problem Audience Members***

Think through in advance what you would do if an audience member becomes a problem. You cannot control who comes to your program. You may want to establish two or three different possible ways to handle this situation, depending on the level of hostility of the audience member. Examples of how to handle a problem audience member include:

- Ask the audience member to be respectful of both you, your agency, and other audience members.
- Ask the audience member to limit his/her responses to allow other people time to speak.
- Let the audience member know that, while his/her feedback is valued, other people need time to speak.
- If the audience member is extremely angry, you may need to ask that person to step into the hall for a discussion with someone else at your agency or perhaps even ask that person to leave.



## ***Difficult Questions***

Some audience members may pose questions to the jurors or to you as the group facilitator that are difficult to answer or insensitive to victims. Audience members may also make statements that are angry or exhibit that the person holds some rape myths to be true. If possible, these questions should be handled in a way that addresses the insensitive comment or rape myths, while at the same time, does not make that person feel put down or ashamed. Create a learning opportunity instead of publicly humiliating that person. Similarly, you may need to ensure that other audience members don't attack one another. One way to do this is to think through what some of the questions or comments might be in advance and formulate a response in advance. Some possible questions might include:

- “I know that drunk girls lie about being raped all the time. It happened to a buddy of mine in college. How am I supposed to know whether someone made it up or not?”
- “These girls like drunk sex when it happens. They don't like it so much the next morning, though.”
- “It seems like it might be easy to misunderstand signals when you are drunk. I'm not sure that's rape.”

Staff at your program or your actors might be able to help come up with questions and help formulate answers to those questions.

## *Educational Materials*



Fact Sheet on Alcohol and Sexual Assault



Article on the Link Between Alcohol and Sexual Assault



Article from the Victim Advocate on the Undetected Rapist.

Please remember that if you need any help putting together a presentation or developing additional educational materials, please do not hesitate to call WCASA.

# Alcohol and Sexual Assault: The Facts

***If a sexual assault occurs, it is never the victim's fault. No one asks to be sexually assaulted, even when intoxicated.***

## **Facts about the Link between Alcohol and Sexual Assault**

- Men who have committed sexual assault also frequently report getting their female companion drunk as a way of making it easier to talk or force her into having sex. (Abbey, A., McAuslan, P. & Ross, L., Sexual Assault Perpetration by College Men: The Role of Alcohol, Misperception of Sexual Intent, and Sexual Beliefs and Experiences. *Journal of Social and Clinical Psychology*, 17, 167-195. 1998.)
- Of the 22 substances used in drug-facilitated rapes, alcohol is the most common. (LeBeau, M., et al., Recommendations for Toxicological Investigations of Drug Facilitated Sexual Assaults, *Journal of Forensic Sciences*. 1999.)
- Approximately 15 years ago, alcohol was found to be one of four primary predictors of college rape. More recently, in 2004, data from the Department of Education's Core Alcohol and Drug Survey (involving nearly 90,000 students nationwide) revealed that substance use (primarily alcohol) was involved in 73% of sexual assaults on campuses. (Core Alcohol and Drug Survey, 2004. Retrieved May 23, 2005, <http://www.valdosta.edu/aode/Core1.htm>.)
- Men are more likely than women to assume that a woman who drinks alcohol on a date is a willing sex partner. Of men who think this way, 40% also believe it is acceptable to force sex on an intoxicated woman. (*Journal of American College Health*, 1991.)
- Of college women in Virginia who were raped, 47% believe they were unable to effectively resist as a result of their own alcohol use. (State Council of Higher Education for Virginia, 1995.)
- The Sexual Victimization of College Women reports that fewer than 5% of completed and attempted rapes of college women were reported to law enforcement, although 2/3 of rape victims tell someone, typically a friend. (Bonnie S. Fisher, Francis T. Cullen, & Michael G. Turner, The Sexual Victimization of College Women, US Department of Justice, 2000.)

Source: Adapted from information provided by Wayne State University about alcohol and sexual assault. The full document can be found at: [http://www.csip.wayne.edu/alcohol\\_drugs.php](http://www.csip.wayne.edu/alcohol_drugs.php)

# *Alcohol and Sexual Violence: The Connection*

## **Alcohol use does not cause sexual violence.**

Alcohol and sexual assault often occur together. According to Lawrence Greenfeld, the Director of the Bureau of Justice Statistics (1998), over 30 percent of all sexual assaults occur when the perpetrator is under the influence of alcohol. In some cases, the victim also is intoxicated. Drinking makes it easy for the perpetrator to ignore sexual boundaries, while the victim's intoxication makes it more difficult for her to guard against an attack.

A common misunderstanding is that if people commit sexual assaults only when drunk, then (a) the drinking must have caused the assault, and (b) sobriety and alcohol counseling are adequate to prevent future assaults. These erroneous conclusions confuse correlation and causation.

Putting alcohol into your system does not cause you to commit a sexual assault anymore than putting gasoline into your car causes you to drive to the airport. Gasoline makes it easier to do what you want to do (e.g., drive a car) while alcohol also makes it easier to do what you want to do (e.g., grope women). If you do not at least think about doing something when sober, you are not likely to do it when drunk.

## **Alcohol acts as a permission slip.**

By reducing inhibitions, alcohol makes it more likely that someone will choose to sexually assault another person. As one man in a violent offender program noted, "When I first came to your program I told you that I hit my wife because I was drunk; now I realize that I drank so that I could hit her." He realized that alcohol did not excuse or even explain the abuse. Instead, alcohol was the way that he had tried to avoid responsibility for the abuse.

## **Memory loss is not the same as lack of intent.**

If a perpetrator of sexual assault claims that he has no specific recollection of the assault, that does not mean that he had no intention of doing it at the time. All it means is that the perpetrator is currently either unable or unwilling to report his state of mind when the assaults occurred. For example, sometimes we hear perpetrators report on events that were acceptable (e.g., "I remember drinking and dancing") but not the events that could result in arrest and prosecution (e.g., "I don't recall fondling that person"). Or the perpetrator will not recall the offense but will be able to assert with confidence what his state of mind was at the time (e.g., "I had no desire for sexual gratification"). How can you NOT remember what you did, but be absolutely certain what your motives were when you did it? How does alcohol know which memories to delete and which to keep intact?

**Sexual assault and substance abuse are separate issues.**

If someone violates sexual boundaries while drunk, that person has two problems that need to be addressed. Taking responsibility for alcohol consumption addresses only half of the problem. The perpetrator also needs to take responsibility for the sexual violence. On the most basic level, the perpetrator needs to learn that all sexual contact without permission is sexual violence.

To address this, good sex offender programs teach the principles of sexual consent. These principles are:

- (1) **Privilege.** Sex is never a right; it is always a privilege, an honor, a gift that can either be granted or taken away by the person you wish to have contact with.
- (2) **Permission.** You must always seek permission before initiating contact. You need to be sober enough to know whether you have been given permission. Permission requires that the other person is capable of giving you permission (e.g., that person is old enough, sober enough, and not coerced by you to say “Yes”). If the other person is afraid to say “No,” you cannot know whether your potential sexual partner truly wishes to have contact with you (even if he or she does not actively resist your advances).
- (3) **Justification/Intent.** There is no excuse for engaging in sexual contact without consent. Those who do not respect sexual boundaries should not be allowed to explain or minimize their use of aggression as the result of alcohol or other drug use, stress, deviant arousal patterns, loss of control, or misunderstandings.
- (4) **Responsibility.** The only person who ever is responsible for a sexual assault is the perpetrator. The victim never is. We, as members of their community, share responsibility for holding perpetrators accountable for their violence. How do we do this? By never blaming victims for the harm they suffered. By remembering that sexual violence is not “just a part of the disease of alcoholism.” By never letting a perpetrator’s sexual access and satisfaction become more important than the victim’s sexual safety and autonomy.

References:

Greenfeld, L., "Alcohol and Crime: An Analysis of National Data on the Prevalence of Alcohol Involvement in Crime," National Symposium on Alcohol Abuse and Crime, U.S. Department of Justice, Bureau of Justice Statistics (Washington, DC, April 5-7, 1998).

This article was adapted by WCASA from an article written by Scott Hampton, Psy.D., Director of Ending The Violence. A link to article may be found at <http://endingtheviolence.info/alcoholsex.html>