



WCSAP
Washington Coalition of
Sexual Assault Programs

RESEARCH & ADVOCACY REVIEW

Washington State Sexual Offense Bench Guide for Judges

The Washington Coalition of Sexual Assault Programs (WCSAP) recently had the privilege of working with the Washington State Supreme Court Gender and Justice Commission, judicial officers, and the King County Sexual Assault Resource Center (KCSARC) to develop the first edition of the **Sexual Offense Bench Guide for Judges**.

The purpose of a bench guide is to educate judicial officers (judges or commissioners) who decide particular types of cases about the law, and also about the underlying issues that may pertain to the case. In the case of a bench guide focused on sexual assault cases, the purpose is to educate judicial officers about sexual offenses specific to the state they preside in, and about the dynamics of sexual violence in general.

The Gender and Justice Commission initiated the development of a sexual assault bench guide for Washington to support “judicial officers in providing a consistent and unbiased response to...sexual violence.” Chief Justice Barbara A. Madsen, in her introductory letter to the guide, wrote that:

This bench guide addresses the many facets of court proceedings in sexual violence cases and provides a framework to address the serious impact of sexual violence on victims and the rehabilitative value of holding offenders accountable for their actions.

Washington is one of only a handful of states that have a bench guide that focuses on sexual assault cases. This first edition of the bench guide focuses on criminal sexual offenses and the Sexual Assault Protection Order (SAPO). It also includes an appendix focused on the impact of sexual violence on the LGBTQ community. WCSAP hopes to be a part of any future editions of the Sexual Offense Bench Guide that might expand the focus to issues of sexual violence in civil matters and the impact of sexual violence on other specific populations and communities.

The following is a list of the bench guide chapters, with a brief summary of the information covered in each chapter that may be helpful to advocates. A link to the guide and to each full chapter is also included.

Sexual Offense Bench Guide for Judges

- **Chapter 1: Understanding Sexual Violence** provides an overview of the dynamics of sexual violence, paying particular attention to the issue of secondary victimization by the legal system –
<http://www.courts.wa.gov/content/manuals/SexualOffense/chapter1.pdf>
- **Chapter 2: Sexual Offenses** lists all the criminal sexual offense statutes in Washington along with the statute of limitations for each offense –
<http://www.courts.wa.gov/content/manuals/SexualOffense/chapter2.pdf>
- **Chapter 3: Defenses to Sexual Offenses** covers which defenses can and cannot be used by defendants in sexual offense cases in Washington –
<http://www.courts.wa.gov/content/manuals/SexualOffense/chapter3.pdf>
- **Chapter 4: Pre-Trial Release and Discovery** presents information on the ways a court can protect victims of sexual assault before trial –
<http://www.courts.wa.gov/content/manuals/SexualOffense/chapter4.pdf>
- **Chapter 5: Preliminary Hearings and Trials** gives a general overview of preliminary hearings and trials of sex offenders and provides guidance for providing appropriate protections to the victim –
<http://www.courts.wa.gov/content/manuals/SexualOffense/chapter5.pdf>
- **Chapter 6: General Evidence** addresses general issues of evidence such as rape shield laws –
<http://www.courts.wa.gov/content/manuals/SexualOffense/chapter6.pdf>
- **Chapter 7: Scientific Evidence** addresses scientific evidence including the testimony of Sexual Assault Nurse Examiners (SANEs) –
<http://www.courts.wa.gov/content/manuals/SexualOffense/chapter7.pdf>
- **Chapter 8: Post-Conviction and Sentencing** discusses special considerations that should be taken into account when sentencing persons convicted of sex offenses –
<http://www.courts.wa.gov/content/manuals/SexualOffense/chapter8.pdf>
- **Chapter 9: Civil Protection Orders** is intended to assist the court in crafting effective orders to protect victims of sexual assault –
<http://www.courts.wa.gov/content/manuals/SexualOffense/chapter9.pdf>
- **Appendix A: Civil Order for Sexual Assault Victims (Chart)** is a helpful tool that details the types of protection orders that may be available to a victim of sexual assault –

<http://www.courts.wa.gov/content/manuals/SexualOffense/CHAPTER9AppendixA.pdf>

- **Appendix B: Sexual Assault Protection Order (SAPO) Hearing Bench Card** is a short summary of some of the most important statutes and rules that apply to SAPO cases –
<http://www.courts.wa.gov/content/manuals/SexualOffense/CHAPTER9AppendixB.pdf>
- **Chapter 10: LGBTQ Minorities and Sexual Offenses** is a summary of statistics about the victimization of people who identify as LGBTQ and suggestions for how judicial officers can help increase sensitivity toward and improve outcomes for LGBTQ sexual offense survivors within their courtrooms –
<http://www.courts.wa.gov/content/manuals/SexualOffense/CHAPTER10.pdf>
- **Appendix A: LGBTQ-Specific and LGBTQ-Friendly Sexual Assault Community Resources** –
<http://www.courts.wa.gov/content/manuals/SexualOffense/CHAPTER10AppendixA.pdf>
- **Appendix B: References** –
<http://www.courts.wa.gov/content/manuals/SexualOffense/CHAPTER10AppendixB.pdf>
- **Addendum: Judges Tell: What I Wish I Had Known Before I Presided in an Adult Victim Sexual Assault Case** is an important resource from the National Judicial Education Project (NJEP) that identifies 25 points that judges surveyed by NJEP identified as vital for judicial officers who handle adult sexual assault cases to know –
<http://www.courts.wa.gov/content/manuals/SexualOffense/Addendum.pdf>

Advocate Tips for Using the Bench Guide

- Talk with court personnel and/or judicial officers in your county. Ensure that the judicial officers who handle sexual offense cases and SAPO cases have a copy of the bench guide or know how to access it online.
- Print out the two-page Sexual Assault Protection Order Hearing Bench Card and provide it to:
 - Judicial officers who handle SAPO cases.
 - Attorneys in your county who represent clients in SAPO cases.
 - Legal advocates who accompany survivors to SAPO hearings so

- they are familiar with these rules and statutes.
- Each survivor who has an upcoming SAPO hearing so they know what to expect and are better prepared to respond if an issue arises during their hearing.
 - Provide a copy of the *Judges Tell* article to the members of any multidisciplinary teams that your agency participates in; lead a discussion on how the legal system responds to victims of sexual assault.
 - Use the information in Chapter 1: Understanding Sexual Violence to help you explain the dynamics of sexual violence at trainings or community presentations.
 - Use the information in Chapter 1 to educate law enforcement officers in your community about how their response to victims can help them or further victimize them.

References

Washington State Supreme Court Gender and Justice Commission. *Sexual Offense Bench Guide for Judges*. Washington, Rev. July 2013. Retrieved from: <http://www.courts.wa.gov/index.cfm?fa=home.contentDisplay&location=manuals/SexualOffense/index>