2018 SEX OFFENDER MANAGEMENT CONFERENCE

WORDWATCH

REFLECTING ON HOW LANGUAGE IMPACTS OUR RESPONSE TO ASSAULTIVE ACTS

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COURTWATCH

- Founded in January 2010

- 3 full-time staff

- Approximately 45+ volunteers

- Since 2010, 326 CourtWatch volunteers have donated 11,680 hours to monitor 3,648 proceedings

- Monitor cases filed in King County Superior Court

- Special Projects

WORDWATCH

HOW IS SEXUAL VIOLENCE BEING TALKED ABOUT IN COURT?

- WordWatch is a CourtWatch Project

- Reviews language used in court documents and court proceedings

- Identifies successes and challenges

- Hope to make recommedations to increase accountable language choices

OBJECTIVES

- Why Accountable Language Matters

- Importance of Legal Language

- Types of Language to Avoid

- How This Applies to Your Work

POLL

WHY IS THIS SO HARD?

WORDS HAVE POWER

WHY DOES IT MATTER?

- Language can never be neutral.

- The words we use to talk about sexual violence influence the way we perceive and respond to the issue.

- Unaccountable language perpetuates a culture where victims are devalued, sexual violence is tolerated and perpetrators are not held accountable.

- This is especially critical within the courts, as the language used directly impacts public discourse around sexual violence.

WHY MONITOR LANGUAGE IN THE COURT?

- Language has a very important role in the legal system.

- Examples: Probable cause, testimony, a trial judge's summary, the historical precedents found in case law, and the news reporting of the case

- Language from these examples becomes the official version of those events, in the courtroom and beyond.

LEGAL LANGUAGE

In a large-scale study of 230 articles about domestic violence homicides or attempted homicides:

- One in five articles relied on law enforcement sources

- One in four articles relied on court records

(Weller, 2009)

Rape
Short word —
Long sentence

NO CONSENT, NO SEX

Too late:
Men are
being
told that
'no'
means
'no' in the
campaign

Don't become

Nation & Wor

Frenc
conse

Originally published February 13, 2018 at 1:18

The Sun ✓
@TheSun

Follow

Woman 'drank six Jagerbombs in ten minutes
on the night she was raped and murdered'
thesun.uk/6016BIP0u

on

Rape

Warning: Sober message

HEADLINES

LANGUAGE TO AVOID

VICTIM BLAMING

Role reversal: turns the perpetrator into the victim and the victim into the perpetrator.

Suggests that if the victim had/had not acted in a certain way, they would not have been assaulted.

Conveys judgement about the victim's actions.

IMPLIES CONSENT

Harder to visualize the acts as violent.

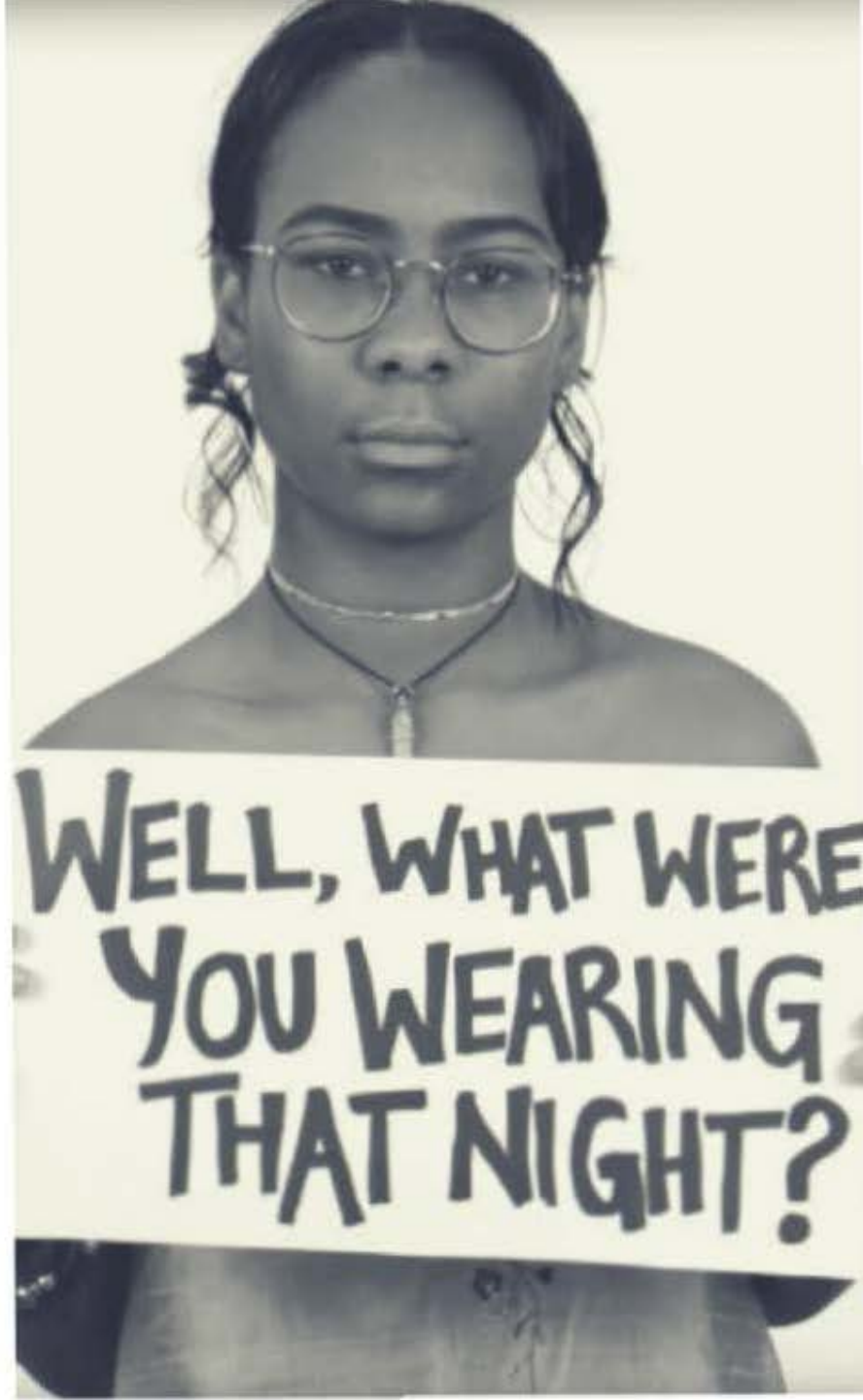When there is no context of force, the assault act appears consensual.

Implies mutuality.

MINIMIZES

Does not convey seriousness of conduct.

The perpetrator is made "invisible" and responsibility is not accurately conveyed.

VICTIM BLAMING LANGUAGE

- Unnecessary focus on the victim:
    - What the victim was wearing
    - What/if the victim was drinking
    - What time the victim was walking home
    - Whether the victim engaged in limited consensual sexual conduct or had previously had consensual sex with the perpetrator
    - Victim's previous partners
    - Whether victim had "engaged in" prostitution
- Accuser
- Victim confessed
- Juvenile prostitute/child prostitute

EXERCISE

Get into a group of 3-5 people.

Please take a few minutes to read the article "Derrick Rose

Cleared of All Wrongdoing In Rape Case."

Circle the words/phrases that are victim blaming.

Discuss within your group.

Share out to the larger group.

LANGUAGE THAT IMPLIES CONSENT

- Eroticized language that creates an intimate and non-threatening scene.

- Statements that imply consent without the context of force (physical or emotional).

- Performed oral sex
- Fondling
- Sexual intercourse
- Had sex with
- Sexual relationship
- Kissed, hugged, caressed
- Engaged in...

Montana Judge Criticized for 60-Day Sentence for Man Who Has Sex With His Preteen Daughter

READER RESPONSE:

"Has Sex With"? We have a word for "sex with a preteen." That word is "rape."... Perhaps if the judge himself had thought of the defendant as a rapist, he would have handed down a more appropriate sentence."

MINIMIZING LANGUAGE

- Passive voice:
  - "Creates acts without agents and harm without guilt."

- Consider the following:
  - Joe raped Jennifer.
  - Jennifer was raped by Joe.
  - Jennifer was raped.

- Euphemisms:
  - He said, she said case
  - Kiddie porn
  - Inappropriate touching
  - "Locker room talk"
  - Misunderstanding
  - Domestic dispute
  - Date rape
  - Revenge porn
  - Choked
  - Sex Scandal

EXERCISE

Get into a group of 3-5 people.

Please take a few minutes to read the Probable Cause

Certification from State v. Deer.

Circle the words/phrases that are victim blaming, imply

consent or are minimizing.

Discuss within your group.

Share out to the larger group.

HOW DOES THIS APPLY TO YOUR WORK?

- Life of court documents
- Review of court records
- Information from PC can be transposed into evaluations
- Life of evaluations:
  - Child Administration
  - Court Records
  - Other treatment providers
- Making referrals for community support
- Other ways?

WORK IN PROGRESS

Fail. Learn. Grow.

"The world as we have created it is a process of our thinking. It cannot be changed without changing our thinking."
- Albert Einstein

THANK YOU!

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Questions? Thoughts?

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