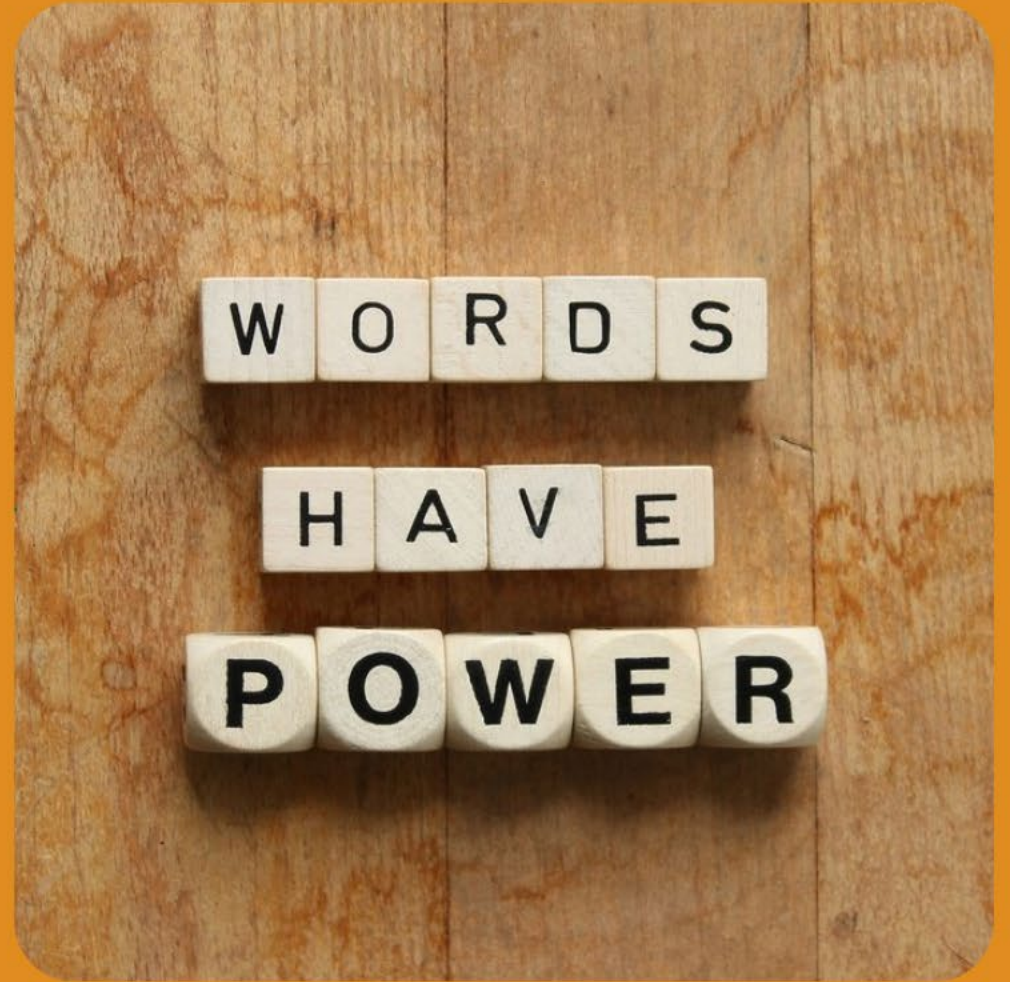


**King County Sexual
Assault Resource Center**

WordWatch

REFLECTING ON HOW LANGUAGE IMPACTS OUR
RESPONSE TO ASSAULTIVE ACTS

This presentation was adapted from Legal Momentum's curriculum "Raped or 'Seduced'?: How Language Helps Shape Our Response to Sexual Violence." © 2013 National Judicial Education Program: A project of Legal Momentum in cooperation with the National Association of Women Judges.





WordWatch: How is Sexual Violence Being Talked About in Court?

- WordWatch was a KCSARC Project
- Reviewed language used in court documents and court proceedings
- Identified successes and challenges
- Hoped to make recommendations to increase accountable language choices

Objectives

01

Why Accountable Language Matters

02

Importance of Language

03

Types of Language to Avoid

04

Possible Applications

Impact of Language

- Language plays a crucial role in producing social relations
- Language, far from reflecting an already given social reality, constitutes social reality
- Analyzing language can be useful in evidencing the ways society operates to sustain gender violence





How Does This Apply to Me?

The graphic features the text "YOUR WORDS HAVE POWER" in a highly stylized, colorful font. The letters are filled with intricate, multi-colored patterns in shades of orange, purple, teal, and pink. The word "HAVE" is smaller and positioned between "WORDS" and "POWER". The entire text is set against a white background within a white rectangular frame, which is itself centered within a larger orange border.

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 legal process, as the language used directly impacts public discourse around sexual violence

Issues Specific To Sexual Assault

Sexual assault is one of the few crimes that requires intense scrutiny into the believability of the victim's description of the event.

Sexual assault is possibly the only crime where the suspect can successfully defend themselves by claiming the victim consented to the crime.



Why Monitor Language In The Court?

- Language has a very important role in the legal system.
- Examples: Probable case, testimony, court arguments, a trial judge's summary, the historical precedents found in case law, etc.
- Language from those examples becomes the official version of events, in the courtroom and beyond.

A stack of newspapers and books is shown, with a white text box overlaid on the right side. The newspapers have various headlines and page numbers visible. The books are stacked on top of the newspapers.

Legal Language

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

- One in five articles relied on law enforcement sources
- One in four articles relied on court records

Legal Language

The researchers examined all rape-related news stories published by 279 newspapers in the United States between 2000-2013.

The data correlates biased news coverage with an increase in rape reports and a decrease in police response.

Biased news coverage of rape blames victims, questions their credibility, implies consent and empathizes with perpetrators. This can deter victims from coming forward, and ultimately increases the likelihood of rape, the study showed.



Headlines

Local News

Natali

Originally published

Florida trooper had sex with 14-year-old girl in the back of his car: authorities

[Trooper, 30, 10/21/20](#)

ute

Language to Avoid

01

Victim Blaming

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

02

Implies Consent

- Harder to visualize the acts as violent
- When there is no context of force, the assaultive act appears consensual
- Implies mutuality

03

Minimizes

- Does not convey the seriousness of conduct
- The perpetrator is made "invisible" and responsibility is not accurately conveyed



Language That Implies Consent

- Eroticized language that creates an intimate and non-threatening scene
- Statements that imply consent without the context of force (physical, emotional, intimidation, coercion)
- Performed oral sex
- Fondling
- Sexual intercourse
- "Had sex with..."
- Sexual relationship
- Kissed, hugged, caressed, massaged
- "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 pre-teen." 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."
- Euphemisms:
 - Violent Home
 - Kiddie Porn/Child Porn
 - Inappropriate Touching
 - Misunderstanding/Youthful Misunderstanding
 - Domestic Dispute
 - "Puberty in the First Degree"
 - Date Rape/Gang Rape



Minimizing Language

YES	NO
AGGRAVATED ASSAULT FACTORS / HOMICIDE FACTORS	
Domestic Issue - Lovers' Quarrel	
OFFENSE LOCATION	



Victim Blaming Language

- Unnecessary focus on the victim.
For example:
 - What the victim was wearing
 - Victim's previous partners
 - Whether the victim had "engaged in" prostitution
- Accuser
- Victim "confessed"
- Juvenile prostitute or child prostitute

Examples

S told her to be quiet and with his free hand reached under her shirt and massaged her bare breasts with his bare hand. At the time, V was wearing only a tank top and shorts. After a few seconds of massaging V's breasts, S moved his hand to her vaginal area and massaged her vaginal area over her shorts.

I believe that K and B were involved in a complex, intimate relationship that began as early as 3/13/15.

As the oral sex was occurring, S took his hand and caressed V's vaginal area.

Between April 2007 and May 2007, R spent the night at D's home again and she performed oral sex on him. They also had sleep sex again.

Examples

She pushed against him and turned her back on him and he pinned her arms with his hands and locked her arms down to where she couldn't move. He took her belt off and pulled her pants down below her buttocks and she said for him to stop several times. S bent her over and inserted his penis into her vagina and V kept telling him to stop and couldn't get away from him because he had control of her. S is quite a bit larger than V and worked as a bouncer at a club at this time. S was described as 6'2" at 245 pounds and V is 5'4" and 128 pounds. She was embarrassed to yell out knowing that their friend was outside waiting for them and her kids were running around outside as well.



Applications

- Consider how your role intersects with the creation of public policy and public understanding of sexual assault
- Life of documents
- Making referrals for community support
- Working with the public, survivors and community organizations
- Safety and well-being of our community
- Rebuilding public trust
- Other ways?



**Questions?
Thoughts?**

Thank you!

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