

## Study Guide Sample

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# **A QUESTION OF RAPE**

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# **A QUESTION OF RAPE FACILITATORS GUIDE**

By Andy Silverman, Starr Sanders & Kenney Hegland

## **PROGRAM OBJECTIVES**

The objectives of this video are to reduce the incidences of date or acquaintance rape by:

- 1. Providing information on the serious emotional, psychological and legal consequences that flow from date or acquaintance rape;**
- 2. Showing that date or acquaintance rape can happen to anyone;**
- 3. Alerting individuals to some of the dangers posed by alcohol;**
- 4. Encouraging women to report date or acquaintance rape by removing some of the mystery surrounding police procedures and trials; and**
- 5. Triggering a discussion of issues such as:**
  - Consent and whether women should fight back,**
  - What friends of victims should do to help, and**
  - Whether friends should be held responsible for supplying alcohol to those involved in a rape incident and for doing nothing to stop the incident.**

## **SUMMARY OF THE VIDEO**

### ***The Situation***

The video depicts the investigation and trial of an alleged incident of date or acquaintance rape. The opening scene introduces the main characters, all college students, through a brief party sequence: Brittany, the victim; Jordan, the person accused of date rape; Nicky, Brittany's best friend; and Bill, a friend of Jordan's and in whose apartment the party was held. The party scene comes to a climatic ending by showing a traumatized Brittany in a rape trauma unit of a local hospital and Jordan in handcuffs sitting in a jail cell.

## ***The Investigation***

**The investigation begins with a rape counselor talking with Brittany at the Rape Trauma Room at Memorial Hospital a few hours after the alleged incident. The counselor indicates to Brittany that she is there to support her, and tells her what is going to occur that evening – questioning by a detective and undergoing a physical exam.**

**While Brittany and the counselor are talking, Detective Denise Jones arrives and begins a thorough interview with Brittany about the incident. Brittany tells the detective what happened that evening, and even though she said “no” to Jordan’s advances in the bedroom, she questions her own involvement in the incident. Brittany initially expresses reluctance about getting Jordan in trouble, but eventually ends the interview with the statement, “He is a rapist!”**

**The investigation at the hospital continues with Detective Jones talking with Nicky in the waiting room. As Brittany’s best friend, Nicky tells the detective that she wants to help, and the detective replies that the best thing she could do is to be there for Brittany and listen to her. Nicky also tells Detective Jones that she was standing outside the bedroom and heard Brittany say “no” numerous times, but she froze and did not do anything.**

**The investigation then moves to Monday afternoon in the Office of the Dean of Students at State University where Detective Jones interviews Jordan’s friend Bill, who hosted the party. Bill claims that nothing wrong occurred between Brittany and Jordan, and raises the issues that Brittany had a prior sexual history, and also that when women say “no” they really do not mean it.**

**The investigation concludes Monday evening when Detective Jones interrogates Jordan at the county jail. Jordan initially denies having sex with Brittany, but after further questioning by the detective he admits that he did. He also eventually admits that Brittany said “no” at least twice, but he did not think that she really meant it. The interrogation ends with Jordan adamantly saying that he does not want to go to jail, and telling the detective, “I am not a rapist!”**

## ***The Trial***

**The investigation results in Jordan being charged with the rape of Brittany. Jordan is tried before a jury in the felony division of a state criminal court. As indicated by the judge in her instructions to the jury, the state must prove beyond a reasonable doubt “that Jordan had sexual intercourse with Brittany knowing that it was without her consent.”**

**The trial begins with Detective Jones, Nicky and Brittany testifying for the state and concludes with Jordan testifying for the defense. Detective Jones, in her direct examination by the prosecuting attorney, testifies about her interrogation of Jordan and emphasizes that Jordan originally lied about having had sex with Brittany and that Brittany said “no” to Jordan at least twice by his own admission. On cross examination, the defense attorney is able to get the detective to verify that Jordan never admitted that he knew Brittany did not want to have sex, and that there were no signs of a struggle.**

**Nicky, Brittany’s friend, testifies next about what she heard standing outside of the bedroom, and how Brittany appeared after the alleged incident. On cross, the defense attorney makes a strong point that Nicky heard Brittany crying out for help and did nothing.**

**The final witness for the state is Brittany. During the direct examination, Brittany dramatically testifies about the events in the bedroom, and clearly points out that she never agreed to have sex with Jordan. During the cross examination, Brittany admits that no one forced her to drink, go into the bedroom with Jordan, or lay on the bed with him. However, she ends her testimony by emphatically stating, “but he raped me!”**

**Jordan then testifies on his own behalf. On direct, Jordan states that Brittany willingly went into the bedroom and laid on the bed with him. He testifies that Brittany said “no” once or twice, but he did not believe that she meant it because her actions indicated otherwise to him. On cross by the prosecuting attorney, Jordan admits lying to the detective about having sex with Brittany but says he did so because he was scared. He further admits that he never asked Brittany what she meant when she said “no.”**

At this point, the judge instructs the jury. The video ends by indicating that the audience “must decide” the case.

## **DISCUSSION AFTER VIEWING THE VIDEO**

### ***Viewers Decide the Case – Option One***

Before viewing the video, viewers should be put in the role of being members of the jury. Depending on the size of the group, it may be best to divide them into more than one jury (juries generally are generally composed of from six to twelve people). If possible, the juries should be composed of an even number of men and women. Each jury should select a foreperson to facilitate the deliberations.

After viewing this video the juries should deliberate and reach a decision as an actual jury would do. The jury needs to decide whether Jordan is guilty or not guilty of rape as defined by the judge in her jury instructions, where she told them that rape was having sexual intercourse with another person knowing that it was without the other person’s consent. In order to find Jordan guilty, the jury must find that Jordan was guilty of rape beyond a reasonable doubt.

A specific amount of time should be allotted for the juries to deliberate and reach a decision. In criminal cases such as this one, a jury’s decision must be unanimous. However, for time purposes, it may be easier to ask each jury to merely take a vote at the conclusion of their deliberations in order to reach a decision. After the juries deliberate and make a decision, each jury should report its decision to the group, and why they reached that verdict.

It should be noted that the audience will not only view the trial, but will have seen interviews conducted by the investigating police officer. However, an actual jury would never view the investigation. Since this is an abbreviated trial, the investigative interviews will give the audience added information that would normally be brought out in an actual trial. You may want to stop the video after the investigative stage, and before the trial, and take a vote (maybe by secret ballot), either by the juries you have formed or of the entire audience, concerning whether they think Jordan is guilty or not guilty of rape.