



SEXUAL ASSAULT VICTIM CONSIDERATIONS IN CRIMINAL PROCEEDINGS WITH PRO SE DEFENDANTS

Issue

Sexual abuse is one of the most difficult crimes to detect and prosecute, in large part because there often are no witnesses except the victim.

At trial, sexual assault victims are asked to explain the assault and are questioned in detail about the incident. This can be a frightening, overwhelming, and re-traumatizing experience for victims; particularly in cases where defendants are representing themselves pro se.

It is in the best interest of criminal case proceedings to provide victim support considerations regarding questioning as well as courtroom practices that allow for enhanced victim participation and ability to reasonably communicate at trial. In sexual assault proceedings where the defendant is representing him or herself pro se, special considerations for sexual assault victims are essential.

In pro se proceedings victims are questioned directly by the alleged perpetrator. This process is difficult for victims and is not in the best interest of the sexual assault victim's physical and psychological well being.

We support court proceedings that enhance victim considerations, while still upholding the rights of the accused.

A balanced criminal justice approach that supports victims while upholding the rights of the defendant to question the witness (victim) in pro se cases can be met by utilizing court appointed attorneys. On motion of the prosecutor, defendants could be restricted from directly questioning the witness (victim). In place of the defendant, a court appointed attorney would only ask the defendant's prepared questions at cross-examination.

Juries should be instructed that the questions were prepared by the defendant, further protecting the defendant's right to represent him or herself.

Within discretion; courts should be able to impose other victim supports, such as restricting the defendant from approaching the witness.

It is imperative that sexual assault victims be permitted to participate fully in criminal proceedings. Special consideration rules in defendant pro-se representation criminal cases will help victims do so while supporting their physical and psychological well being.

Solution

- Support sexual assault victim questioning considerations in criminal cases where the defendants represent themselves pro se.

Contact: Andrea Piper-Wentland
Washington Coalition of Sexual Assault Programs
4317 Sixth Avenue SE, #102 - Olympia, WA 98503
(360) 754-7583 - policy@wcsap.org