

DAY 1 - PROSECUTING SEXUAL ASSAULT TRAINING AGENDA



Location: Blue Cross Blue Shield, 3645 S. Alice St. Helena, MT, 59601
Date: April 22 – 24, 2024
Time: 8:30 AM to 4:30 PM
Facilitator: Montana Department of Justice
SAKI Program
Prosecution Services Bureau



Trainer: Patricia Powers, JD, AEquitas

Time	Agenda Item(s)	Objective(s)
8:30 AM- 9:00 AM	MT SAKI Welcome	
9:00 AM – 9:30 AM	Introductions	<ul style="list-style-type: none">• Review Case File
9:30 AM – 10:45 AM	Keeping the Focus on the Offender	<ul style="list-style-type: none">• Recognize the dangers presented by both known and unknown offenders, including their potential for serial and cross-over offending• Identify evidence of the offender’s intent, planning, and tactics used to commit sexual violence and other violent crimes• Evaluate offending patterns in cold and current cases, which may ultimately be offered as FRE 404(b) evidence• Identify physical and forensic evidence that corroborates the victim’s disclosure• Identifying and charging co-occurring crimes (ie: stalking, burglary, homicide, and image-based abuse)
10:45 AM – 11:00 AM	Break	<ul style="list-style-type: none">• Enjoy the break. Stretch, drink water, or take a short walk

11:00 AM – 12:30 PM	Identifying Victim Responses to Trauma	<ul style="list-style-type: none"> • Recognize victim responses to trauma that may require explanation at trial • Develop effective multidisciplinary support for victims to maximize their engagement and provide available resources • Manage factfinders' commonly held beliefs and misconceptions regarding victimization
12:30 PM – 1:30 PM	Lunch	<ul style="list-style-type: none"> • Lunch on your own
1:30 PM – 3:15 PM	Alcohol Facilitated Sexual Assault: Who Needs Force When You Have Alcohol?	<ul style="list-style-type: none"> • Collaborate across disciplines to ensure a victim-centered, offender-focused investigation and prosecution • Analyze the unique impact of alcohol on victim vulnerability, cognition, and physical ability • Identify offender behaviors that facilitate the perpetration of AFSA assault, as well as the potential for serial offending • Effectively prepare an evidence-based case that recreates the reality of AFSA crimes
3:15 PM – 3:30 PM	Break	<ul style="list-style-type: none"> • Enjoy the break. Stretch, drink water, or take a short walk
3:30 PM – 4:45 PM	Pre-Trial Litigation	<ul style="list-style-type: none"> • Introduce evidence of other crimes or acts under proper purposes for which they may be admitted • Oppose motions to admit irrelevant evidence of the victim's prior sexual behavior • Analyze statements for admissibility under hearsay rules • Combat defense strategies to subpoena, compel, and/or introduce evidence, records, or information that may be confidential, privileged, or otherwise inadmissible
4:45-5:00 PM	Closing Remarks	<ul style="list-style-type: none"> • SAKI Team Member Comments

This project was supported by Grant No. 2020-AK-BX-0030 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

DAY 2 - PROSECUTING SEXUAL ASSAULT TRAINING AGENDA



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8:30 AM – 10:30 AM	Getting to Guilty: Guiding the Jury's Response to Evidence	<ul style="list-style-type: none"> • Inform a jury's response to the evidence, beginning with jury selection through closing argument • Conduct an experience-based voir dire • Employ themes that present evidence in the context of common experience • Maintain focus on the offender and accountability
10:30 AM – 10:45 AM	Break	<ul style="list-style-type: none"> • Enjoy the break. Stretch, drink water, or take a short walk
10:45 AM – 12:00 PM	Ethical Considerations in Sexual Violence Cases	<ul style="list-style-type: none"> • Identify ethical responsibilities at each stage of the criminal justice process • Navigate challenges related to prosecutorial discretion, recantation, and disclosure of evidence • Approach charging decisions, victim privacy and discovery obligations within an ethical framework
12:00 PM – 1:00 PM	Break	<ul style="list-style-type: none"> • Lunch on your own

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**Trainers: Mary Barry, Chief Criminal Deputy County Attorney, Office of the Lewis and Clark County Attorney
Meghann Paddock, Assistant Attorney General, Montana Department of Justice
Edward Hirsch, Assistant Attorney General, Montana Department of Justice**

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| 1:00 PM – | Roundtable | <ul style="list-style-type: none">• Participants Case Discussion and Reviews• Current challenges• Networking |
| 4:30 PM | Discussion | |
| 4:30 PM | Adjourn Day 2 | |

DAY 3- PROSECUTING SEXUAL ASSAULT TRAINING AGENDA

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Trainers: Mary Barry, Chief Criminal Deputy County Attorney, Office of the Lewis and Clark County Attorney
Meghann Paddock, Assistant Attorney General, Montana Department of Justice
Edward Hirsch, Assistant Attorney General, Montana Department of Justice

Time	Agenda Item(s)	Objective(s)
8:30 AM – 9:45 AM	Accounting for the Victim, Meghann Paddock Mary Barry	<ul style="list-style-type: none">• Working with a victim• Common Defenses
9:45 AM – 10:00 AM	Break	<ul style="list-style-type: none">• Enjoy the break. Stretch, drink water, or take a short walk
10:00 AM – 12:00 PM	Jury Selection, Ed Hirsch Mary Barry	<ul style="list-style-type: none">• Rules and Case Law in Sex Crime Cases• Strategy, Lines of questioning, Deciding who to eliminate• Live voir dire

12:00 PM – 1:00 PM	Lunch	<ul style="list-style-type: none"> • Lunch on your own
1:00 PM – 2:00 PM	DOJ Office of Victim Services, Kayla Bragg	<ul style="list-style-type: none"> • Learn about available programs and resources • Discuss how prosecutors utilize OVS tools
2:00 PM – 2:15 PM	Break	<ul style="list-style-type: none"> • Enjoy the break. Stretch, drink water, or take a short walk
2:15 PM – 3:45 PM	Closing the Case, Ed Hirsch Meghann Paddock	<ul style="list-style-type: none"> • Rules, Case Law of Common Closing Violations, & Legal Issues • Closing and Rebuttal Strategies
3:45 PM – 4:00 PM	Adjourn Day 3	<ul style="list-style-type: none"> • Closing Remarks • Course Evaluation

THANK YOU FOR YOUR PARTICIPATION.