

STATEMENT OF TERESA SCALZO, DEPUTY DIRECTOR, TRIAL COUNSEL ASSISTANCE PROGRAM, NAVY JUDGE ADVOCATE GENERAL CORPS

Professor Hillman, distinguished members of the panel, good afternoon and thank you for the opportunity to discuss trial counsel training with you. I began my career in Northampton County Pennsylvania where I spent two and a half years as a public defender and almost five as a prosecutor. I handled everything from traffic to homicide, but my primary role was as Chief of the Sex Crimes Unit. After serving as a prosecutor, I worked for the National District Attorneys Association (NDAA) for six years, first as their policy attorney and later as the Director of the National Center for the Prosecution of Violence Against Women. I then spent two years at OSD SAPRO as their senior policy advisor and finally moved to Navy JAG in 2009 where I was first in the criminal law policy division (Code 20) and now I am the Deputy Director of our Trial Counsel Assistance Program.

I do want to point out that I am not an HQE. I am a GS permanent hire. Navy TCAP also has an HQE and his focus is on child abuse prosecution. Additionally, Code 20 has an HQE who is responsible for curriculum development in Navy advocacy courses. The HQE's were hired approximately one year ago.

During my time at NDAA, I developed or oversaw the development of five national courses for prosecutors. Two of the courses, *Sexual Assault Trial Advocacy* and *Evidence Based Prosecution*, were trial advocacy courses for the National Advocacy Center. I oversaw the development of two courses funded by the Department of Justice Office on Violence Against Women, *The National Institute on the Prosecution of Sexual Violence* and *The National Institute on the Prosecution of Domestic Violence*. I also developed a course called *Sexual Assault Prevention and Response Advanced Training*

for JAG Officers. In addition, I was course director for at least a dozen other courses, including *Faculty Development* at the National Advocacy Center. I served on the curriculum development committee for the National Advocacy Center, the National Juvenile Justice Prosecution Center and the National Traffic Law Center. I have lectured at more than two hundred conferences across the nation, including training with the Marine Corps, Army and Air Force.

In addition to my experience as a trainer, I've published numerous articles, book chapters and manuals primarily on prosecuting sexual assault. In 2007, while at NDAA, my manual, *Prosecuting Alcohol Facilitated Sexual Assault*, was published by NDAA in partnership with the Department of Justice. I am also a major contributing author for the *Pennsylvania Benchbook on Sexual Violence*.

Working at NDAA taught me a lot about the effective training of prosecutors because at that time we had a research and evaluation unit that assessed our courses to determine if they were effective in meeting the course objectives. All of the civilian courses mentioned above were evaluated and honed until they reached their maximum levels of effectiveness. Unfortunately, the research unit at NDAA no longer exists and as I mentioned earlier, the state side of the National Advocacy Center has closed. The Institutes that were developed during my tenure at NDAA are now being run by AEquitas. I believe Ms. Kristiansson discussed them earlier today.

The current training being offered to Navy trial counsel is as effective as any offered in the civilian world. *Prosecuting Alcohol Facilitated Sexual Assault* is our premier trial advocacy class focused on sexual assault at the Naval Justice School and the primary audience is composed of Navy, Marine Corps and Coast Guard prosecutors, but

Army and Air Force judge advocates have attended as well. I designed the curriculum and modeled the course after Sexual Assault Trial Advocacy, one of the National Advocacy Center Course I developed. The original focus of the course was the consent defense. It has been expanded to have a stronger emphasis on alcohol due to its high prevalence in our cases. The Naval Justice School contracts with AEquitas to provide expert faculty in addition to the Navy and Marine faculty, which ensures that students receive training from our nation's experts. We bring in experts to play the various roles in the trial advocacy exercises, including Sexual Assault Nurse Examiners, NCIS special agents, victim advocates, toxicologists and forensic psychiatrists. Now that the state side of the National Advocacy Center is closed, I am not aware of any national level trial advocacy courses focused on sexual assault prosecution currently being offered, which makes comparison to civilian training difficult. However, as I stated, the course is very similar to the course that used to be run at the National Advocacy Center. In addition, I have been advised that the Department of Justice is using my manual to develop training on alcohol facilitated sexual assault and I have authored a military version that is in the final stages of review before publication.

As the Panel learned previously, our trial counsel also attend Russ Strand's two week Special Victims Unit Investigations Course at either Ft. Leonard Wood or with NCIS at the Federal Law Enforcement Training Center (FLETC). This course is similar to the Institutes now being run by AEquitas in the way it educates people about trauma and its impact on victims and debunks the fallacy of sexual assault myths. In addition, TCAP hosts webinars on various relevant topics throughout the year. Finally, TCAP

visits each trial counsel shop once a year for on the ground interactive training on areas of current need as well as hands on assistance with cases.

In addition to the more formal training mentioned above, TCAP provides daily case consultation and assistance to our trial counsel worldwide. In this way, we are able to train and mentor our counsel in a way that is specific to the cases they are handling. We maintain a Sharepoint website where sample motions and briefs are available as well as links to training and other resources and a discussion board where counsel can reach out to their colleagues. We travel to each of our nine prosecution offices every year to provide a week of hands-on case assessments and training. We are also available to assist with victim interviews and provide advice on trial strategy and other expert assistance with specific cases as needed.

I am proud to say that in my five years with the Navy, I have seen an immense improvement in the way these challenging cases are handled. I believe our training and the establishment and resourcing of TCAP is one of the primary reasons for this improvement.

I look forward to answering your questions.